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International Court of Justice

H0153-0002

Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants sitting at Nurnberg, Germany, on10 June 1946, 1000-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: I call on counsel for the defendant Seyss-Inquart.

DR. STEINBAUER: (Counsel for the defendant Seyss-Inquart) Your Lordship, gentlemen of the High Military Tribunal.

I open the case with the last words spoke by Dr. Schuschnigg when he, on the 11th of March of 1938, retired as Austrian Chancellor. He spoke the words: "God protect Austria." There is a connection in history. At the same time as we are here dealing with the case of the defendant Seyss-Inquart foreign ministers, on the basis of similar events, are preparing peace treaties May I ask, therefore, that you would be good enough to allow me to be a little more lengthy than I had originally intended when I present my documents?

Now, with the permission of the Tribunal, I shall call the defendant to the stand.

ARTHUR SEYSS-INQUART took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name, please?

A Arthur Seyss-Inquart.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing.

(The witness repeated the oath)

DIRECT EXAMINATION

BY DR. STEINBAUER:

Q Mr. Witness, when and where were you born?

A I was born in 1892, in Iglau, that island of the German language in Moravia. Moravia at that time was a crown county of the Austro-Hungarian

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Monarchy. And that former other island, Olmitz, where German was also spoken, also in Moravia--there I lived until I was 16. Then, together with my parents, I moved near Vienna, where I passed through secondary school, and I then joined the legal faculty of the Viennese University . In August of 1914, I joined the army.

Q Were you in the army during the entire war?

A Yes. I served with the Imperial Chasseurs. I served in the war in Russia, Roumania, and in Italy.

On the occasion of several leaves I passed my examination and, in 1917, I obtained my Doctor's degree.

I was wounded once. I was decorated several times; three times because of bravery.

Q What impressions were the ones that you retained for life, from your youth?

A Perhaps the only remarkable fact was my experience with the nationality fight in Moravia, which occurred between the Germans and the Czechs. The Germans, in those days, presented the joint Austro-German idea, while the Czechs were making a predominantly national policy. However, I believe it is significant that there was a coordination of languages at that time in Moravia.

Q Wnd what were the impressions you took away from the war?

A Apart from the impression of comradeship at the front, the thing I remember most is the discussion, at the end of the war, about the fourteen points of President Wilson.

Q That had as its leading point the right of self-determination for peoples, did it not?

A Yes. It was clear to us that the realization of those fourteen points would mean the end of the Austro-Hungarian Monarchy.

We, the Germans, considered that in fulfilling that right of self- determination the original territories would be allowed to return to the union of the German Reich which they had left less than 50 years ago, in 1866. That is of importance. Those countries, in the creation of the Reich and in the thousand years of their existence, had been integral parts of Germany. That is

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for 950 years.

Q What did you do after the war, when you returned from the front?

A I devoted myself to my work as a lawyer. In 1921 I opened my own practice, and as time went by I acquired a very good clientele.

Q What about your political attitude? Were you a member of any political party?

A I was not a member of any political party, because I did not want to tie myself down politically speaking. I had very good friends in every party, including the Christian Social and Social Democratic Parties. However, the programs of those parties appeared too one-sided to me. They appeared to be much too much adapted to certain individual groups.

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Q. Were you a member of any political club, say, for instance, the Austro-German People's Union?

A. I was a member of the board of the Austro-German National Union, because the only political idea to which I adhered in 1918 was Austria's Anschluss with the German Reich on the 11th. I experienced the 11th of November, 1918, when the provisional national assembly decided that Austria should be a part of the German republic. Furthermore, there was the constitutional meeting six months later which repeated the same decision. The dictates of St. German forbade the Anschluss.

The various districts attempted to vote. Salzburg and the Tyrol, with 98% of the voters, voted for joining the Reich. Dr. Schuschnigg describes it in the book "Three Times Austria".

The answer was serious attempts to have Austria join their German neighbors: but they could not agree.

DR. STEINBAUER: Mr. President, at this point may I submit several documents to the Tribunal, or may I quickly refer to them as they appear in my document book? The first document is the one to which I have given the number SJ-1. It appears on Page 2 of the document book, and it contains the proclamation of the Austrian members of parliament after the collapse of the Austrian monarchy on the 21st of October, 1918. There it ways in the second sentence:

"The German-Austrian state claims the territorial jurisdiction over the entire territory of German settlement, especially also in the Sudetan territories. The German-Austrian state will fight any annexation by other nations of territories which are inhabited by German farmers, workers, and citizens".

Then, as Exhibit No. 2, I should like to present on Page 4 of the document the resolution which the witness has already mentioned, passed by the provisional national assembly on the 12th of November, 1918, which says:

"German-Austria is a democratic republic. All public powers are installed by the people. German-Austria is a part of the German republic."

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The leader of the greatest party of that state, Dr. Karl Renner, stated on the 12th of November something which appears on Page 6 as Exhibit No. 3:

"Our great people is in distress and misery, the people whose pride it has always been to be called the people of poets and thinkers, our German people of humanism, our German people which loves other peoples is deeply bowed in misery. But it is just in this hour in which it would be so easy and convenient and perhaps also tempting to settle one's account separately and perhaps to snatch advantages from the enemy's cunning, in this hour our people in all provinces wishes to know: We are one family and one people living under a common fate".

Then I come to Exhibit No. 4, which is on Page 18.

THE PRESIDENT: It is Page 8, is it not?

DR. STEINBAUER: Page 18. I beg you pardon; Page 8.

That refers to the plebescite on the 24th of April, 1921, in Tyrol, where 145,302 voted for the Anschluss and some 18,000 against it. On the 18th of May, 1921, there were 98,546 votes for the Anschluss at Salzburg, and 877 votes against it.

On the occasion of mentioning the document, I have already said that it is my point of view that there are three component parts which led to the Anschluss: first of all, the economic emergency which runs through the entire history of the case like a red thread; secondly, that this unity amongst the democratic parties, which resulted from hunger; and thirdly, there was the attitude of the rest of the world, particularly the larger powers, towards war. Those thoughts are contained in my document book.

I should like to refer to the economic emergency, and submit as the next exhibit Prelate Hauser's speech. Prelate Hauser was the president of the Austrian Parliament. He made a speech on the 6th of September, 1919, and it appears on Page 14 of my document book. He suggests the acceptance of the peace treaty of St. Germain, and he gives the following reason:

"The national assembly has no choice. Country and people need final peace which opens again the world to them morrally and economically and which can once again procure work for our people's masses at home and abroad."

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Then in the second paragraph he says:

"It also has no other choice, because our country depends on the big powers for its supply of food, coal and industrial raw materials as well as in the re-establishment of its credit and money standard".

The same point of view was adopted by the two statesmen, Seipel and Schober, which was proved by Document 17. Seipel, regarded as the greatest Austrian statesman of all times, said this at the time, that we should never believe that the Central European question is solved as long as the great state which makes up Central Europe, the German Reich, is not included in the solution.

I shall now continue with the examiniation of the witness.

BY DR. STEINBAUER:

Q. I want to ask you, Mr. Witness, do you still remember the time and the conditions after the year 1927?

A. The economic situation which you have just referred to was the reason why the great powers always fought Austria, to give a so-called voluntary forfeiture declaration regarding the Anschluss. The repercussions on Austrian politics were that the Austrians, resolved as they had been in 1918 to have pro-democratic parliamentary prosecution, turned to radical ideas which had an autocratic leaning.

Q. Then at that time a new party appeared. Which one was that?

A. At that time, there was the so-called fire of the Palace of Justice, which was an uprising of the Marxists, which resulted in the Marxist Party's connection with the so-called home guard, which was a para-military organization. Thus uniforms were introduced into the political life of Austria.

The controversy between the Marxists and the anti-Marxists became more and more clear. The only organization about the party was the German-Austrian People's Union at the time. The thought of the Anschluss was the only thought which still kept all the partices somewhat united.

Around the year 1930, the National Socialist German Laborers' Party became apparent.

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Q. What impression did that party give you, particularly with reference to the seizure of power in the Reich?

A. I want to tell you quite openly that the impression the party made, as far as Austrian conditions were concerned, was a little strange. We had uniform politics in the national union because, I suppose, of the home guard. The N.S.D.A.P. gave uniformity to the actual political leaders, and then made their march. But the type of politics which they presented to us was not in keeping with our accustomed political thoughts.

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Q What about the reasons?

A Well, let me add first that that party wouldn't allow any pleasant courses in connection with other parties and that it never allowed cooperation with other parties either.

Q What possible concession of the party did you observe in the Reich?

A I think that the great effect the Party scored in Austria was due to its irrevocable will to attain the Anschluss. I think that the radical attitude can be traced back to preventing, for instance, the realization of the Austrian union which might have been in favor of the democratic party leaders.

Q Were there not economic reasons which scored sucesses on behalf of the NSDAP?

A The facts were that --

THE PRESIDENT: Defendant, I suppose you are hearing the words spoken by Dr. Steinbauer direct, and you are answering them without any pause, which gives the interpreter no chance.

A We in Austria in 1933 observed that there was at once the removal of the discrimination of the Versailles Treaty in the Reich, and secondly, the end of unemployment. In Austria, too, about ten per cent of the population were unemployed at that time. The Austrian workers, therefore, were hoping that there would be the end to their unemployment in the event of an Anschluss, and Austrian commerce had the greatest interest in the food organization in the Reich and the marketing system there.

Q If I understand you correctly, therefore, it was the thought of the idea of the Anschluss which took you, too, to the Party. The Party program which has been discussed again and again in this Court room, I need not touch upon. I just want to ask you, please, when did you join the party?

A Officially, I became a member of the party on the 13th of March, 1938, and the membership number was above the seven million mark.

Q Did you have contact with Dr. Dollfuss?

A I met Dr. Dollfuss after the war. I knew that he wanted to include me in his Ministry in 1933, and eight days before the 25th of July of 1934, by his invitation, I had a discussion with him.

Q Were you, on the 25th of July, 1934, a participant in any way in the murder of Chancelor Dr. Dollfuss?

A No, in no way. Dr. Dollfuss and I had planned to have another discussion.

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He was interested in my opinion regarding the pacifying, calming down of that extremely radical situation at that time, and I told Dr. Dollfuss, even as early as that, that there were no more Nattionalists in Austria then, only National Socialists. I told him that the National Socialists were doing only what Hitler told them.

Q But, Dr. Seyss-Inquart, I must remind you that the prosecution have submitted a photograph which praises the murder of Dr. Dollfuss.

A That is the so-called Annual Celebration, isn't it? During that celbration Dollfuss wasn't even thought of. That was a Party Festival, a Party celbration in memory of the seven SS men who, during that attempted revolt ot in connection with that attempted revolt, had been hanged. None of us ever referred to that death as a murder.

Q Well the, after Dollfuss, Dr. Schuschnigg became chancelor, and then I want to talk to you regarding the conclusions drawn by the NSDAP from these event

A The NSDAP thought it shoud be completely disorganized. A small circle of men at that time formed itself, which I joined. They drew the following conclusions from the events of the 25th of July: Firstly, that it presented considerable danger from the point of view of foreign policy. I remind you of the meeting of statements like Stresser and the resolutions passed with reference to Germany; and even though we were never worried about Italy, we had learned nevertheless to realize that in this very troubled atmosphere something might quite easily bring about a war. We were all agreed that it would have to be the main task of the heads of the German State to avoid a war. But here is something I must add, the 25th of July was the worst possible thing that could have happened in regard to the Anschluss. We reflected on what might be done and we came to the conclusion that the Party in the Reich would have to cease interfering with the Austrian National Socialist Party. The Austrian Party, so far as Anschluss was concerned, considered that a foregone conclusion. We decided that the National Socialists in Austria would have to once more be permitted to be active and we decided that most of all, there should be elections to ascertain the balance of power.

Q. What I am interested in is the question of whether you had contacts with sources in the Reich at that time, in 1936, and whether you entertained

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any such contacts?

A. I had no contact with any sources in the Reich. Only, as Reichsmarshal Goering has said, when I became a State councilor did I for the first time meet the leading Erman politicians.

Q. When was that?

A. That was in June or July of 1937.

Q. What was your position at that time? As a State Councilor, what was your attitude regarding the NSDAP in Austria?

A. When, on the 11th of July, 1936, an agreement was reached -- without my having had any part in that -- Dr. Schuschnigg had Minister Glaise ask me to cooperated in politics. At that time I had particularly close contact with Zernatto, the General Secretary of the National Front. Upon a suggestion made by Zernatto and his friends, I became an Austrian State Councilor, and Dr. Schuschnigg gave me the task, in writing, of investigating the prerequisites for having the National Front join our political work. In order to fulfill that task I did, of course, have to get in touch with the National Socialists, because the national opposition only consisted of National Socialists.

Q. Who was the head of the NSDAP in Austria?

A. The Party in Austria had collected again illegally and Captain Leopold was the head.

Q. How was your relationship to him? Was it good?

A. I could not define Captain Leopold's way of thinking; he did not understand my political thoughts. He thought that, on the basis of the agreement of the 11th of July, Dr. Schuschnigg ought to allow the NSDAP again in its original form. I think I only talked to Leopold twice, perhaps three times. He demanded that I be subordinated to him, something which I refused.

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DR. STEINBAUER: May I, in this connection, draw your atter tion to the following documents without reading from them:

Exhibit No. 44, on page 103 of the document book, excerpts from the document USA 583.

Then there is Exhibit No. 45, on page 105. That is USA 581

Exhibit No. 47, on page 109, is a statement from Zernatto stating that Seyss-Inquart entirely disagreed with Leopold's endavor

My client has been accused by the Prosecution of having played a double game. In rebuttal, I applied to have an interrogato submitted to the former Gauleiter Ueberreiter. He has interrogated I want to quote from the interrogatory, which is Document No. 59. T were questions put by the Prosecution, and I want to read the follow which appears on page 140:

"Question:" -- put by the Prosecutor -- "Was not the defend Seyss-Inquart, before the time at which the Nazi Party had been lega ized, i.e. declared as being legal, in February 1938, was he not in constant contact with the illegal Austrian Nazi Party?

"Answer: No. I personally did not know Seys-Inquart until his visit to Graz. In Nazi circles he was considered as a non-Party member. I think -- I do not know for sure -- that he joined the NSD only when it was legalized. For this reason, he personally encounte strong opposition among the illegal Nazi circles."

Then, on page 6 of the same document it says:

"Question: Did not the defendant Seys-Inquart play a doul game on one side his legal position with Schuschnigg's Cabinet and the other side his cooperation with the Nazi party which was unlawfu and illegal at that time and the activity of which had then been le ized to a certain extent through the efforts of the defendant at Berchtesgaden in February 1938?

"Answer: I do not know to what extent he was in touch wi the illegal Nazi party before the 12th of February. I do not know about it because I was not in Vienna. But from the 18th of Februar the fact of being in contact with the Nazi party was not a double but his duty. Schuschnigg himself had discussions with Leopold, Na

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leader before Klausner.

BY DR. STEINBAUER:

Q This brings us to 1938. At the beginning of that year you were State Councillor in the Austrian Government. How did you find the political situation?

A During many conversations I had with Dr. Schuschnigg, but most of all during many continuous conversations I had with Zernatto, I had developed the plan which was in keeping with the conclusions I had drawn from the events of the 25th of July, that the Reich, and particularly Hitler, should be asked to refrain from interfering with Austrian politics through the Austrian National Socialist Party.

I proposed that instead the Austrian National Socialis should be given permission to become active again. That didn't mean at all that I would forego the thought of the Anschluss, but I was perfectly convinced that any policy which could be considered legal and responsible in Austria would have to be carried out by the Austri National Socialists who were collecting a clear majority amongst the Austrian voters -- I should have said, rather, the Germans in Austria I thought that such a demonstration of a leading majority would remov any resistance put up by the members of the League of Nations.

The attempt had to be made to make Hitler agreeable to such a policy, and the means would have to be that such an organization would support the Fuehrer and the aims of the German Reich. It was in the interest of that plan that I talked to Field Marshal Goeri and Mr. Hess. I reported the outcome to Dr. Schuschnigg and to Zerna and I recommended a coalition government including National Socialist ministers, subject, of course, to the corresponding guarantees being given by Adolf Hitler.

Neither of the two parties allowed my suggestions to make any headway, without directly turning me down. Meanwhile, Austr National Socialists continued to be active illegally. The police would interfere; there were arrests, and we had three concentration camps in Austria. In short, that was the predecessor of the de-nazi-

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fication system of today.

Q Were you at the Obersalzberg on the 12th of February 1938?

A No, but I want to tell you how that meeting came about. First of all, there were renewed radical tendencies which were introduced into the Party. In 1938, the legitimate tendencies in Austria were being promoted. The State Councillors recommended laws regarding the return of the Habsburg property. For the moment, my own position became untenable, and I retired, something of which I informed Zernatto and Secretary of State Keppler wh had officially been nominated in the Reich to conduct the political affairs related to Austria. I felt that considering my task it was my duty to inform Keppler.

I, myself, following an indication from the Reichs Sport Leader von Tschammer and Osten, went to Gramisch-Patenkirchen There I met von Papen without our having an appointment. We told each other of our complaints, and we reached the point of view that both parties, that is to say Hitler as well as the Austrian Governm Dr. Schuschnigg, would have to be made aware of the fact that a clo cut decision in the sense of my suggestions was necessary. At that time, participation of the National Socialists in the government wa certainly amongst the points we discussed, and quite possibly the Ministry of the Interior was discussed. It is quite certain that n name was not mentioned, but it appeared an obvious one.

At that time, I was in no way notified regarding th discussion which Herr von Papen had with Hitler, but I myself informed Zernatto of the content of our conversation. Zernatto, at that time, was agreeable regarding certain questions I brought up, in particular with reference to the expansion of the National Socia ist sections of the government. He did, in fact, place finance at disposal for that purpose.

On the 10th of February, I think, a group of my offi informed me that Hitler had invited Dr. Schuschnigg to Berchtesgade

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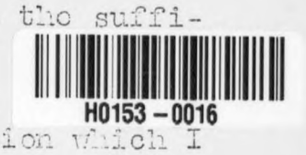
Dr. Reiner was a member of the circle who were working with me; so was Dr. Jury, Dr. Kaltenbrunner, Langhof, and several others.

Q Were you kept informed about the outcome of the discussion at the Obersalzberg?

A. I was only informed by Zernatto of the outcome of this conference. On the evening of the 11th, before Dr. Schuschnigg left for Berchtesgaden, I had a discussion, a detailed discussion with Zernatto and Dr. Schuschnigg. There was considerable agreement amongst us regarding the inclusion of National Socialists for instance, Jury, Rainthaler and Fischboeck, and that they should be given certain public functions. Not, however, ministerial positions. I myself did not touch upon the subject of ministerial positions at all because I did not have the sufficient information.



Regarding Adolf Hitler's reaction to my suggestion which I made to Herr von Papen, on 13 February, Zernatto called me and communicated to me the results and contents of the Berchtesgaden conference, which, of course, are known to you.

Q. In this connection, I want to refer to document 48, page 111, in which Zernatto states, "I had the defininte impression that Seyss-Inquart did not know about the result of the discussions and the contents of the agreement of the 12th of February.

Mr. Witness, on the basis of the strength of that agreement, you became Minister of the Interior and Police, did you not?

A. Yes, on 17 February 1938.

Q. You had orders to create and improve contact with the Reich. Did you have a discussion with Hitler himself?

A. Yes. In the agreement made at Berchtesgaden on 12 February, there was a defininte clause that I was to be liaison man between the Austrian Government on one side, and the Austrian National Socialists on the other side, and the German Reich as well. The contents of the minutes of which I had been informed appeared to me unsatisfactory, and there was not doubt that my appointment to the Position of Minister of the Interior and Poli meant the signal to the Austrian National Socialists to expect an early realization of their political target.

In addition to that, they had permission to confess their attitude, to state it openly, that is to say, that they were allowed to wear the swastika and to salute with the raised hand.

That was not permitted, however, was their organization. That is to say, that my National Socialist friends would have not possibility to get in touch with National Socialists in any legal way. This agreement, however, opened the gates without a regaulr procedure being in any way planned for. With that, I was always resolved to see Adolf Hitler myself, and to make sue whether my plan had met with his approval. I went with Dr. Schuschnigg's agreement and was given ansfustrian diplomatic passport.

Q. But what did you talk to Hitler about?

A. Just now I mentioned the wrong date, it was on the 16th of February that I became Mininster and I went to Berlin on the 17th.

I had a talk with Adolf Hitler with whom I was alone for more than two hours. It was pointed out by the Prosecution here that I had saluted Adolf Hitler with the raised right arm. That was perfectly permissable under the agreement, but I would like the Prosecution to admit that during every one of my interrogations, I have admitted that I had emphasized before Adolf Hitler at once that I was an Austrian Minister and in that respect, responsible for my actions to Austria.

Regarding this talk, I took notes in shorthand on the back of a letter. A few weeks later, I dictated those notes into a typewriter, and I should like to repeat the contents of my talk with Hitler on the basis of those notes. My explanation...

Q. Witness, will you be as brief as possible?

A. But this is the most important point with reference to my entire responsibility. I said that it was a condition for Chancellor Schuschnigg that I should stand on the basis of an independant Austria. Further development, including the Anschluss, would have tp be based on the Austrian. The formation of the wil of the Austrians would have to be allowed to proceed without interference, and on the basis of the policies given. I would have to be the guarantee for a proper development of Dr. Schuschnigg.

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I said I did not offer myself as a Trojan horse driver. The Party and political movement would not be allowed to adopt the part of a greater Party. The Party in Austria must not aim at totalitarian conditions. The Socialists thoughts would only have to be realized in keeping with the conditions in Austria, and must not be forces upon the others in any way. The illegal Party as such, of course, did not disappear at once, but it must not be allowed to be active illegally, otherwise, in my capacity as Minister of the Interior and Security, I would have to lock up individuals.

In the main, Adolf Hitler agreed with me, and he told me that the 25 points of the Party program were not necessarily material. "You cannot", he said, "announce a dogma. You have to base your thoughts on German thoughts and you must come to National Socialism trends through them." Those were the conyonts of our discussion 17 February, starting at 12:00 and ending at 2:10.

MR. DODD: Mr. President, I understand the witness to say that he made his notes of the meeting and later dictated it into the typewriter. It is not clear to me whether he was reading from those nnotes. Furthermore, we have never seen such notes and I think it should be made clear on the record.

THE PRESIDENT: Dr. Steinbauer, had the defedant got the notes?

DR. STEINBAUER: The original was taken away from him when he was arrested.

THE PRESIDENT: You heard the question I asked, have you got the notes?

WITNESS: The original of the notes was amongst my filesin in Vienna. I have made application to have the files which were found with me searched for that note. A copy of that note which Iad in hand, was handed to the Prosecution by me on the occasion of one of my first interrogations, and are in the file of the Prosecution. I myself have only copieshere, and not the original.

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THE PRESIDENT: The copy would be just as good for the purposes.

WITNESS: I have placed a copy at the disposal of the Defense.

DR. STEINBAUER: But Defendant, I gave it back to you. Perhaps you can let me have it and I will present it to the Tribunal.

THE PRESIDENT: Will you give it an exhibit number Dr. Steinbauer?

DR. STEINBAUER: Yes, number 61, so that I won't muddle it up with the other exhibit numbers.

THE PRESIDENT: Yes.

MR. DODD: Mr. President, I am still confused about this, and I am sure that my colleagues are. We have never received any copies of any notes which the Defendant claims to have made at the time of his conference with Hitler. We have no such copy in our files. What is not clear is whether he made these notes up immediately after the conference or a few weeks later, the original of which he claims he gave to us.

THE PRESIDENT: Is that what you say, Defendant, that the Document which you have just handed to your Counsel is a copy of your document which you say you presented to the Prosecution during your interrogations, which was a copy of the shorthand notes you made at that time?

WITNESS: Mr. President, the original notes I made in the afternoon of February 17 were made a few weeks later. I dictated these notes, which were in shorthand, to my secretary who took them down on a typewriter, so that I have several copi One of the copies which I had, I gave to the Prosecution on th occasion of one of my interrogations last summer. I have now given a second copy to my Defense Counsel. These are copies prepared in accordance with my notes a few weeks after the actual talk. The original is in my files in Vienna.

THE PRESIDENT: Very well.

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MR. DODD: I wonder if we could learn just who it was that the Defendant gave these copies to?

THE PRESIDENT: Do you know who the interrogating counsel was?

WITNESS: Mr. Dodd himself.

MR. DODD: We don't have it.

WITNESS: I think I am quite right in saying so.

DR. STEINBAUER: Mr. President, the contents, in its important points, coincide with a voluntary statement made by this...

MR. DODD: I think this is important enough a matter so that we have to clear it up here. I have a copy of the interrogation, one of the first ones of this witness, in which he said that he did not have a copy, but that they were in a black leather brief case in Nondorf, and he asked me if we could get it, and I said we would try but we never found it. That's in the record of the interrogation.

WITNESS: May I say that I did produce the black briefcase, and the notes were in it, and during a subsequent interrogation I took a copy and showed it.

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(A short pause)

THE PRESIDENT: Go on, Dr. Steinbauer.

DR. STEINBAUER: I was going to say that in principle Document No.490, page 113, corroborates these facts, and that the Defendant, wht witness, informed Schuschnigg of the contents of that talk. Document No.65 proves this. It is on page 158.

Q And now, Mr. Witness, I want to ask you this: Did Hitler agree to your proposal?

A He clearly said yes to quite a number of things but with reference to certain other points he expressed doubts whether the Austrian Government might agree. The principal impression was, however, that this policy was possible.

Q In this connection it has been alleged that you as Minister of the Interior and the Police had placed executive powers in the hands of the Nazis.

A I should like to leave the main explanation in this connection to my witness, Dr. Scubl. After Dollfuss's death Dr. Scubl was a confidence man in the Austrian Government and he became a Secretary of State and General Secretary for the Security System, in which capacity he was attached to my office. Quite obviously he had a certain amount of authority. I had no objection at all to that. In fact, I was very pleased to have such an expert at my disposal. I only wanted to mention quite briefly that orders regarding all executive powers came from Scubl. I myself never gave any direct orders to the Austrian police. Scubl was given the instruction by Dr. Schuschnigg, particularly on the 10th and 11th of March, and I myself didn't introduce a single National Socialist into the Austrian police.

Perhaps I might refer briefly to the public appeal made to civil servants --

DR. STEINBAUER: In this connection I want to refer to two documents, Nos. 51 and 52, on pages 117 and 119 respectively. We have now reached Document Book No.2.

The first speech was made by the Defendant as Minister before his police officials, and the second speech a radio talk he gave at length.

Q And now we reach the critical days in March. Did you -- and from whom did you -- hear of the plebiscite plans of Dr. Schuschnigg?

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A The day before Dr. Schuschnigg announced the plan for the plebiscite in Innsbrueck he told me and informed me of his plans. At that time I asked him whether that decision was unalterable and he confirmed that. I expressed the view that this might lead to difficulties. But I promised him that I would help him wherever I could, either to get over the difficulties in connectio with that plebiscite or to leave it to a suitable outcome, suitable, that is to say, even to the National Socialists. Of course, I had continuous contact with the Austrian National Socialists since I was the liaison man. I spoke with Zernatto's and Schuschnigg's knowledge at several meetings and I spoke about what I had said to Adolf Hitler and what we had discussed. I avoided demonstrations wherever I could. Then, o f course, as Minister of the Interior I prohibited demonstrations. In that connection I refer you to the prohibition of all demonstrations and meetings, published by me, and the special prohibition of a demonstration of an individual demonstration at that time at Graz, something which is proved by the interrogatory submitted to the witness, Dr. Ueberreiter.

Q Did Schuschnigg give you any promises?

A No. I want to say that still on that same evening I was approached by Dr. Jury who in some way or other had already heard of the plan for this plebiscite. I did not in any way express agreement with Dr. Schuschnigg, although I should, of course, not have allowed myself to exercise self-imposed silence, because there was this liaison man position of the 12th of February. But, of course, I did keep silent.

DR. STEINBAUER: I think, Mr. President, this would be an excellent moment to interrupt the session.

THE PRESIDENT: Very well.

(A recess was taken.)

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Q We got as far as the plebiscite which Schuschnigg was planning. It became known. Now we come to the 11th of March. What did you do in the forenoon of that day?

A I must remark that on the previous day, or two days before, after consultation with the Austrian National Socialists, I wrote a letter to Dr.

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Schuschnigg in which I commented on the plebiscite in an unfavorable sense. The reasons were primarily that a regular plebiscite result was not guaranteed because it was not a real plebiscite in the sense of the State Laws. It was not decided on by the Council of Minister but by the Fatherland Front, that is, the Party, and it was to be carried out by the Party too.

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The suggestion was that the plebiscite should be postponed and a regular election should be held, with all the legal requisites for an election.

On the 10th of March, in the presence of Foreign Minister Schmidt, I had a detailed conversation with Dr. Schuschnigg. We reached an agreement that the Government -- as well as the provincial governments, and so forth -- was to be filled with National Socialists, that in effect a coalition government was to be formed, in which case the National Socialists would vote "yes".

With reference to the permission of the Party, there were still differences of opinion. I reported to the Austrian National Socialists, but they were not much interested because news had come from Berlin that Hitler had refused the plebiscite. I was told that on the next day I would receive a letter from Hitler.

Q Did you receive such a letter?

A Yes. I received, by courier, a letter from Hitler. I believe I can say with some certainty that the letter contained the proposal of a march into Austria, but I cannot recall whether the draft of a radio speech was contained in it.

Q What did you do in the morning, after receiving the letter?

A After receiving this letter I went to Dr. Schuschnigg, with Ministe Glaise, and we were at the Federal Chancellor's office at 10 o'clock. I informed Chancellor Schuschnigg of the contents of this letter, without reservation. In particular, I pointed out that in the case of refusal, Adolf Hitler counted on unrest amongst the Austrian National Socialists, and that he was ready, if disturbances occurred, to march in in answer to an appeal for help. In other words, I called Chancellor Schuschnigg's attentic to the possibility of such a development.

Q Did you demand an answer from him?

A The letter set a deadline for 12 o'clock noon. Our talk lasted until about 11:30. I asked Chancellor Schuschnigg to give me an answer by 2 o'clock. I know that in the meantime, and on the day before too, he had taken security measures, through Dr. Scubl, which I did not approve of. Several year classes of the Austrian Federal Army were called up; the polic

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was alerted; and a curfew was set up in the evening.

Q What about the afternoon of the 11th of March?

A At 2 o'clock I went to the Chancellery office with Minister Glaise. First we had a talk with Dr. Schuschnigg, and Dr. Schuschnigg refused to postpone the matter. At about the same moment I was called to the telephone; Reichsmarshal Goering was on the telephone. That telephone conversation is here under the number USA-76.

When I told Reichsmarshal Goering that Chancellor Schuschnigg refused the postponement, he declared, in the name of the Reich, that he had to ask for Schuschnigg's resignation because of the agreement of the 12th of February, and the Reich had confidence in him. Dr. Schuschnigg was ready to postpone, but not ready to resign. Thereupon Reichsmarshal Goering demanded not only Schuschnigg's resignation, but my appointment as Federal Chancellor.

In a talk with Chancellor Schuschnigg at 3:30 in the afternoon, the latter said that he would offer the President the resignation of the whole cabinet. When I was informed of this I left the Federal Chancellor's office, because I considered my function as a middle-man, in the sense of the agreement of the 12th of February, concluded. I did not want to intervene; I did not want to do anything to become Federal Chancellor myself.

Q In this connection may I refer to my document number 58, page 134. This is an excerpt from the record of the telephone conversation with Goering, where Seyss-Inquart speaks about the relationship between Germany and Austria and it states here: "Well, he means that Austrian independence has to be preserved."

What happened on the 11th of March, in the late afternoon?

A In these conversations the suggestion was made that the Party formations were to come to Austria. From that same telephone conversation it can be seen that I did not want this, that before the entry of any formations I wanted an election or a plebiscite in Autria.

In the course of the afternoon State Secretary Keppler came to me, and he asked me for information. I then went to the Federal Chancellor's office ag Berlin repeatedly asked me to intervene with the Federal President to become

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Federal Chancellor; I always refused to do so.

Q What did the Austrian NSDAP do?

A The party in Austria began demonstrations. The Party members went out and filled the streets. Further, they were only Party members or followers, and it became an enormous demonstration against the system and for the National Socialists.

Q What was the feeling in the Federal Counties?

A I had no contact. Quite late that night, or the next day, I learned that there, even more than in Vienna, there were big demonstrations by large crowds against the Fatherland Front and for the National Socialists.

Q What solution did the Federal President, Miklas, attempt to bring about in this situation?

A I cannot say from my own knowledge; until 8 o'clock in the evening I had nothing to do with that. No one spoke to me about the Chancellorship. No other possibility of solution was discussed with me. I heard that the President wanted to make Dr. Ender, of Vorarlberg, Chancello and me Vice Chancellor. I believe that would have been a good suggestion, but I could not discuss it, least of all with Berlin, because no one said anything to me about it.

Q And when events reached a climax and Schuschnigg delivered his resignation, did you set up a cabinet list?

A In the course of the evening Chancellor Schuschnigg was to resign, and the Reich would not permit any but a National Socialist Government. Therefore I considered it my task, in order not to be taken by surprise, to think of whom I would take into the cabinet. I remarked that the suggestions mentioned in the telephone conversation were not made to me.

I chose my co-workers quite freely, after consulting the Austrian National Socialists. They included people with Catholic ties, such as Professor Mendin, Dr. Wolf, and others.

I asked Foreign Minister Schmidt to enter the cabinet. When he asked why, I told him I would like to keep Austria independent, that I needed a for minister who had connections with the Western Powers. Schmidt refused, remarking that Chancellor Schuschnigg introduced him into politics and that h would remain loyal to Schuschnigg.

DR. STEINBAUER: I should like to submit some documents now: No. 50, Page 115, from Zernatto's book, on Seyss-Inquart's attitude; then, on Page 125, Document No. 54, also from Zernatto's book. It says, "Seyss-Inquart no longer retains the developments in his hands".

The next is Document 62, Page 149, in which Zernatto quotes a talk with the witness, Dr.Seuss-Inquart, and says that there were two points that Seyss-Inquart would not discuss and would not compromise on:

"The first is Austria's independence and the second, the possibility for the conservative-Catholic element to develop its own life".

BY DR. STEINBAUER:

Q Now we come to the very important question, when you made a radio speech in which you called yourself a minister, although Schuschnigg had already handed in his resignation.

A The situation was as follows: The resignation of the whole cabinet was not accepted by the president; that is, he and I remained ministers. When Dr. Schuschnigg held his farewell speech, he did not speak of the resignation of the whole cabinet. He only said, "We yield to force."

At that time, Schuschnigg and the president had discussed the idea that I should not be expressly appointed chancellor. But the power to muster the German troops for the entry was turned over to me.

Q The prosecution asserts that you yourself exerted pressure on President Miklas.

A I did not see President Miklas at all until 9:00 or 10:00 in the evening, after Schuschnigg's speech on "We yield to force."

DR. STEINBAUER: I should like to submit to the Court this speech of Schuschnigg on the 11th of March, No. 53, Page 122, in whichSchuschnigg says:

"The Bundes President has commissioned me to notify the Austrian people of the fact that we yield to force. Because at any price even in this serious hour we do not intend to spill German blood, we have ordered our army to withdraw without resistance and in case the march into Austria is carried out to await the decision within the next hours."

BY DR. STEINBAUER:

Q The prosecution sees this pressure in the fact that at that time, SS units were called to the chancellor's office. What do you say about that?

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A I believe it was after Schuschnigg's farewell speech, in the antoroom, I saw ten or fifteen young men in black trousers and white shirts; that is, SS. I had the impression that they Guards for State Secretary Keppler and others. In the rooms which Chancellor Schuschnigg and President Miklas were occupying, I ordered guards from the Austrian Guard Battalion. I placed them before these rooms. These were selected men who were well armed according to theAustrian point of view, and the SS men, who were at most 40 in number had only pistols. That is, fifty steps from the Chancellor' office were the barracks of the Guard Battalion, with about 100 picked and well armed men. President Miklas and Chancellor Schuschnigg had had no other concern than what happened in the chancellor's office and on the street in front of us. They could easily have settled the whole matter by calling out the Guard Battalion.

Q The prosecution has submitted an affidavit of the Gauleiter of Upper Austria, Eigruber, which states that before you become chancellor, you ordered the seizure of power in the various federal offices.

A That is completely untrue. The Gauleiter of Upper Austria does not claim to have talked to me. I believe he says he received a telegram signed by me. I did not send a telegram to any Gauleiters or to anyone. I did not give oral instructions to seize the power. Later I heard from Globotchnick that he had carried out the seizure of power. He told me that in those words:

"Do you know that I seized the power for you and got the government for you? But I did not tell you, because you would have been against it."

Q You say "you would have been against it". The entry had taken place meanwhile which the defendant Reichsmarshal Goering has described. Was the population against it, in your opinion?

A I cannot call it an invasion. It was an entry of German troops which was widely welcomed. Except for a small percentage of the Catholic population, there was no one who was not widely enthusiastic. There was no district in which it was not the desired thing.

I was in complete agreement with Dr. Schuschnigg. In 1937, he at once agreed with me, saying that the entry of German troops into Austria could not be stopped by anything except by the ovations of the population.

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DR. STEINBAUER: In this connection, I should like to refer to a document, No. 37, Page 86. This is a quotation from the book by Sumner Welles, "The Time for Decision". It describes the conversation between him and Count Ciano. It says:

"Before the occupation of Austria, Dr. Schuschnigg came to Rome. He frankly admitted that in case of an occupation of Austria by Germany the majority of the Austrians will partake in this occupation and that the Austrians would join the Germans like a single man for the fight against Italy, if Italy should send troops to Austria in order to prevent the occupation."

BY DR. STEINBAUER:

Q Now, witness, we will go to the 12th of March. Did you not at this time have a telephone conversation with Hitler?

A Yes; I called Hitler up. That goes back to the occasion of the entry. I should like to repeat, on the day before, at about7 o'clock, activity suddenly stopped, and everything was waiting. At 7:30 State Secretary Seubl came with the report that the entry of troops had actually begun, and that border guards had reported. Reich Marshal Goering repeatedly announced it. When the entry was actually in progress, Schuschnigg made his farewell speech. The system of the Fatherland Front resigned.

I state expressly, up to this moment I did nothing which could in any way further the taking of the control of Austria, or the seizure of power by the National Socialists. What I did was only to negotiate, in the sense of a treaty of the 12th of February.

When the system of the Fatherland Front had resigned, I felt in myself the responsibility to take action. First I made a radio speech myself, not the one which was submitted. I did not mention the provisional government. I called myself Minister of the Interior. Only at that moment did I call on the SA and the SS and the auxiliary police, and just like Schuschnigg, I gave the order to offer no resistance to the entry.

Subsequently I was appointed chancellor, and approved. On the same night I drove Dr. Schuschnigg home in my car, because I was afraid that something might happen to him through provocateurs. I asked Dr. Keppler to call up the Fuehrer and say that the entry should not be carried out. Reichsmarshal Goering spoke about that here.

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The next morning I called up again. I met the Fuehrer at the airport at Linz. Since the entry was in full progress, I tried to see whether it would not be possible to have Austrian troops march into the German Reich, so that symbolically, at least, equal rights would be maintained. The Fuehrer agreed, and actually Austrian troops entered Munich, Berlin, and so on, in Austrian uniform.

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Q In your capacity as newly appointed chancelor, how did you manage the further development of the situation?

A Since the system of the Fatherland Front had broken down, my idea of a coalition government could not be realized. I saw that a National Socialist government, with a very strong Catholic tendency, would be in charge, but not in theform of an immediate Anschluss, but in carrying out corresponding elections, plebescites, with an economic and possible military union with the German Reich.

DR. STEINBAUER: Mr. President, in this connection, I should like to submit an extremely important document. It is quite new. It shows how the Anschluss came into being. It is the testimony under oath of the former State Secretary of the Interior, Dr. Stuckhardt, who is imprisoned here. I submit this to the Court and I should like to note the following from this testimony.

THE PRESIDENT: What is the document?

DR. STEINBAUER: That is not in the document book because I received it only later. I will read only briefly to establish the connection. I have submitted the original to the Court. The witness says the following --

THE PRESIDENT: You are giving it a number, are you?

DR. STEINBAUER: No. 92. The witness says that probably Hitler would become president of Austria. He says thathe was told by Frick to work out such a law. He was ordered to Linz --

THE PRESIDENT: Wait just a minute, Dr. Steinbauer.

DR. STEINBAUER: In the Dutch matter, a few affidavits are missing which have just come in. Perhaps it would be expedient to read these documents when they have been translated.

THE PRESIDENT: The Prosecution will have the affidavit, I suppose?

DR. STEINBAUER: Yes, they have it.

If I may continue. He says that he was given the assignment in Linz, to his surprise, to direct a total Anschluss. Austria was to become a province of the German Reich, such as Bavaria and the other German provinces. He worked out this law as he had been instructed to do. He flew to Vienna and submitted it to the assembled ministers there for acceptance.

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The impression of the Anschluss on the population I should like to prove through three documents. First, No. 30. This is the welcoming celebration for the Fuehrer on the Heldenplatz in Vienna by the Vienna population. On this occasion, on the 15th of March, the witness welcomes the Fuehrer and said the following: "The goal for which centuries of German history had struggled, for which untold millions of the best Germans bled and died, the last aim of hot fights, the last consolation in the bitterest hours -- today it has been accomplished. Austria has come home." Now Hitler ordered that this Anschluss be sanctioned by the Austrian population by a plebescite. The other documents have shown the results of this plebescite to the Court. I should like to point out, in addition, the attitude of the Catholic bishop. This is Document No. 32, page 73; Dr. Karl Renner, who was President at that time, Document 33, page 76. As for the attitude of the other powers in the surrounding world to the Anschluss question, I shall question the witness Schmidt, who was Foreign Minister. I should like to submit only one document. That is Document 38, page 89. This is the speech by Chamberlain, who was then Prime Minister in the House of Commons, on the Anschluss. He says the following: "Nothing would have stopped Germany's action unless we and the others had been ready to use force in order to prevent it."

BY DR. STEINBAUER:

Q When Austria was incorporated, became a part of the Greater German Reich, Syess-Inquart was Chancelor. I ask you, did you remain Chancelor? Did you receive other State functions after the seizure of power?

A On the night of the 13th I reported the Anschluss law and I took the occasion to discuss three questions with the Fuehrer. That was not easy. The Fuehrer was quite excited. First, I asked if the Austrian Party would return to relative independence under an Austrian as the provincial leader; second, that Austria as a state might receive a certain degree of independence. To the first request the Fuehrer said, it was possible. To the second he said, yes, that Austria would receive a governor of her own. At this time I stood up and asked the Fuehrer to be allowed to return to private practice as a lawyer. Third, I asked that the unjust relationship of two shhillings to one mark be changed to one to one fifty. The Fuehrer

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agreed to do this. On the 15th of March, on the occasion of the demonstration which has already been mentioned here, the Fuehrer told the radio announcer to announce that Reich Governor Seyss-Inquart was going to speak. That was the first I had heard that I was Reichs Governor. I became Reich Governor and remained so until the end of April, 1939.

Q Who was the real leader of Austrian politics?

A Buerckel was sent to Austria as the delegate to reorganize the Party and to do thepreliminary work for the plebescite. The instructions of Buerckel and his co-workers was a plan somewhat foreign to Austria. I had occasion, on the 8th of April, in Buerckel's presence, to call the Fuehrer's attention to this type of coordination and the Fuehrer said: "Buerckel, you must not do that. If you do, the enthusiasm of the Austrians for the Anschluss would evaporate." A few weeks later he was made Reich Commissioner for the Reunion. He handled all politics and propaganda, including church policies, and he had the right to give instructions to me in State matters.

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Q You know that the Prosecution charges you in connection with the policy in Austria shortly after the Anschluss. The first charge is that in the Jewish question you participated in this unfortunate treatment of the Jewish population, that you were responsible for it.

What have you to say about this?

A I can't deny it. Certainly, in my field of activities as Chief of the Civilian Administration I issued orders along that line. But as to treatment of the Jewish question as such, Buerckel claimed that as his field. In a document which has been submitted here, he called the Jewish question a matter connected with the Anschluss.

DR. STEINBAUER: May I, in this connection, refer to two documents. One is Document No. 64, page 154. It is a decree of the Fuehrer concerning the appointment of Buerckel as Reich Commissioner for the Reunion of Austria with the German Reich. I point out especially Article 4, which expressly gives Buerckel the right to issue orders to the witness.

The second document is No. 67, page 163. The Court already has it. It is 2237. In this long document, I only want to point out that the executi of the Jewish question, particularly in November 1938, was a matter with which the defendant had nothing to do.

I should like to prove how the defendant conducted himself through an affidavit which came to me from Australia unsolicited. This is Document 70, page 175. I know the point of view of the court, that the circumstances that one defendant or another submits letters from Jews is not a very weighty proof according to the proverb, "One swallow doesn't make a summer". The reason I submit this document is Paragraph 12 on page 4. It is from the witness Dr. Walter Stricker, who comes from a respected Jewish family in Linz, and who says the following:

"After my departure from Austria, I heard of other cases in which Dr. Seyss gave similar help to Jews, and that in May 1938, when persecutions of Jews became particularly severe, he protested to Gauleiter Buerckel."

It is clearly shown that this radical policy was not participated in by the defendant.

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BY DR. STEINBAUER:

Q Witness, you know from the trial brief that you are charged with playing a double game. What was the attitude of the Party toward you after the Anschluss?

A I know that this charge is made against me. The radical circles o the Party made the same accusation. I will admit openly that I can understa why this accusation is made. I attempted to bring two groups together which as history shows, could not be brought together. It is clear that the radic elements of both groups, since this realization was impossible, had to come t the opinion that the man who attempted this was not honest in his attempt.

The more important point is something else. The solution which the Austrian question received was not my solution. It was the solution of the radical elements in the Party. I myself, from the 11th of March at 8 in the evening, participated in this solution. As a result, it is easy for people to say that I participated in it beforehand and prepared for it, but that is not true. At 8 in the evening, after Schuschnigg and the Fatherland System's resignation, I took this point of view, because another one was impossible in reality. There was no other political power in Austria except the National Socialist one or civil war.

I myself also welcomed the Anschluss Law, and my decision was decisive f my co-workers. On the 13th of March, of course I welcomed the moment, and i answer to the question of whether I had misgivings about the execution of the matter, I considered the question and I did not need to have any misgivings in regard to foreign politics. As for internal politics, there was never so muc enthusiasm in Austria. I was aware that no Austrian statesman, no responsibl Austrian, ever had the whole population behind him to such a high degree as I had. But it was good and useful, and it was better to have the responsibilit outwardly.

Q The defendant Kaltenbrunner said that he and you at this time were supervised by Heydrich very closely.

A The circles which distrusted us included Heydrich. At the end of 1937, Heydrich issued a secret report which I received later. In this report

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he said that the solution of the Austrian question in favor of the Party was unavoidable; the only obstacle could be the policy of Staatsrat Seyss-Inquar who would be in a position to call for something like an Austrian National Socialism.

After the Anschluss, I received a so-called secondary command, which had no other task than to issue constant reports to Heydrich on what I was doing.

I had as little against this as against the fact that as Austrian Minis of Security my telephone conversations were listened to.

Q After you had ostensibly played the main role in this matter, what reward did you receive for your activity? Were you given an estate or a sum of money or anything?

A No, there was no question of any such thing. My reward was the knowledge of having cooperated in the formation of the greater Germany.

Q Did you ever receive anything?

A No.

Q But you received a title.

A Gruppenfuehrer of the SS. On the 15th of March, I was appointed Gruppenfuehrer of the SS as an honorary title. I did not try to obtain it. I took no examination.

In general, honorary rank in the SS was not membership in the SS. One has no power to issue orders, no disciplinary powers. I learned that myself when I complained to Himmler about Buerckel. The letter has been submitted here. I demanded proceedings. Himmler told me that he had no disciplinary power over Buerckel; it was only an honorary rank.

Q I believe that is enough.

THE PRESIDENT: Dr. Steinbauer, as I understood it, the defendant said that he received a secondary post to furnish reports to Heydrich. What was that secondary post? Is that what you said?

THE WITNESS: Heydrich issued a secret report against me -- pardon me.

THE PRESIDENT: You said in 1937 Heydrich issued a secret report about Austria, and then said that the solution was unavoidable except for the

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policy of Seyss-Inquart. That was the substance of it, wasn't it? And after that, I understood you to say you received a secondary post to furnish reports to Heydrich.

WITNESS: No, Heydrich sent four or five of his men to me to accompany me as a sort of guard. These guards had orders to report what I did to Heydrich.

BY DR. STEINBAUER:

Q To sum up, I can say that aside from your appointment as SS Gruppenfuehrer you received no award with the exception of the consent that you would become Reichs Minister?

A This was said at the end of April, 1938. I refer to a question in the cross examination of the Reichsmarshall. Before the 13th of March, 1938, I did not have any contacts in the Reich or anything. I had no obligation to anyone in the Reich.

Q Now I can close the chapter on Austria, and discuss the Czechoslovakian question briefly. You are accused, on the basis of a congratulatory letter to the Fuehrer, that you took an active part in the Anschluss of Czechoslovakia.

A As far as September 1938, I had no other part but that of Reich Governor in Austria. I received refugees from the border areas, and lodged and fed them in Austria. Henlein and a few other leaders I knew personally without mingling in their politics, or without knowing their relations to the Reich.

Q What can be said about Czechoslovakia?

A The relations between Vienna and Bratislava were very good in the old Austrian monarchy. I had relatives in Bratislava. The Slovaks and the Germans knew each other well. We knew the complaints of the Slovaks that the promise of Pittsburgh was not kept, and that they had not received full autonmy in Czechoslovakia, but later Pater Hlinka advocated complete autonmy and he is honored like a Saint in Czechoslovakia. The great majority of the Czechoslovakian people were behind him. He maintained independence of the parliament. After March 1938, or rather, after September 1938, I met a few Slovakian politicians, Sidor, Dr.Tiser, Dr.Churchansky, and perhaps one or two others.

The Fuehrer himself once asked me to report to him all Slovakian conditions, and this I assigned to two of my co-workers to get this information. I assigned this to people who had very good personal relationsh

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there. In March, 1939, I talked to Sidor and Dr.Tiser, because they wanted to talk to me about possible Berlin-Prague developments and about the results for Slovakia. That is what my co-workers who invited me said. In these discussions, the possibility of a Berlin-Prague clash was mentioned, and the concern about the Slovakian territories, because there was danger that the Hungarians and the Polish might take advantage of the opportunity to occupy Slovakian territory.

The Slovakian gentlemen wanted assurance about what Berlin intended to do, and how they could preserve their country from harm. I spoke very openly to the gentlemen. I did not challenge them to declare their intentions, I had to leave this decision to the Slovakian gentlemen, but in discussing the conditions, there were differences between Slovakian and German interests and in ascertaining if that was not the case.

Q In this connection I should like to refer to two documents. One is No.71, Page 181. This is a reference to the proposed treaty, and the second document is No.72, Page 183, submitted by the Prosecution as USA-112 as proof that the Defendant was in illegal contact with the Slovakians. I submit this document to you. It is an account of Viscount Halifax of 13 March 1941. He was in Bratislava at that time. Were you there?

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A State Secretary Keppler was sent from Berlin at that time in order to ask certain questions of the Slovakian Government. Buerckel and I refused to take over such a task. That was one of the few cases when I agreed with Buerckel. As Territorial Administrative Chief, it was my task to prepare for the visit to Bratislava, and it was agreed that State Secretary Keppler would go to Bratislava in my car. Buerckel and I accompanied Keppler. No generals of the Wehrmacht had any part in it. The document says that five German Generals were present. That is false.

Q I should like to call the attention of the Court to the fact that the Slovakian Minister Sidor and the later President Tiso both declared that they negotiated only with Buerckel. The name Seyss-Inquart does not appear at all. Then, to sum up, I can ask, was there any activity on your part in regard to Czechoslovakia in the sense in which the Prosecution alleges?

A I never overstepped the borders which had to be approved in such cases. I did not.... Representing German interests of the German Reich, I did not overstep the limits justified in representing legal interests.

Q Then in 1939, on the first of May, you became Minister without Portfolio, is that true?

A Yes.

Q Did you ever take part in a cabinet session, or a session of the Secret Defense Counsel of the Cabinet?

A There were no more meetings.

Q Did you have any influence on the decision that Polan was to be attacked?

A In no way.

Q When war with Poland actually began, did you express your opinion on the matter to Hitler?

A On the second of September, I wrote a letter to Hitler. I hope that this letter is in my Vienna files. I wrote a copy of it about a year and a half ago, and I remember the contents quite well.

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I called Hitler's attention to the fact that German people were not enthusiastic, On the contrary, there was most serious concern that it would be a life and death struggle. I expressed my opinion that the war would not have a military solution, but that it would have to be solved by means of politics, and on the basis for a political solution was the alliance with the Soviets, which should be extended to a military alliance if possible. Consideration would have to be given to the fact that the Soviets would never give up their interests in the Balkans any more than in Czarist Russia, and that Pan-Slavism would play a role in the results, and in the Czechoslovakian and Polish question, Russia would have to be counted on as an equal.

I said that it was necessary to maintain the belt of neutral states. Then the war on the Western Front would stop of its own accord. The Italian Policy could not be charged against Germany, and an agreement would have to be reached with Greece and Turkey. England could not be defeated by air or by submarine, and a Mediterranean position would have to be attained in order to make peace.

Q Did you receive an answer to your letter which you sent to Hitler?

A I received no direct answer, but once in a speech, he made a remark which showed clearly that he had received the letter. He said, "I do not want to destroy the British Empire," whereby he made it clear that he misunderstood my letter.

DR. STEINBAUER: Mr. President, I am of the opinion, if the Court agrees, that it is time to adjourn.

THE PRESIDENT: Yes.

(A recess was taken)

File

H0153-0043

AFTERNOON SESSION

(The Tribunal reconvened at 1400 hours, 10 June 1946.)

ARTUR SEYSS-INQUART - Resumed.

DIRECT EXAMINATION - Continued.

BY DR. STEINBAUER:

Q Mr. Witness, you last spoke about your attitude with regard to Czechoslovakia. You talked about your activities as Reich Governor in Vienna and you talked about your relationship to Buerckel, which was the reason why you changed your work and went to Poland. What functions did you carry out in Poland?

A First of all, I was appointed administrative chief for Southern Poland, which actually came within the organization of the Armed Forces. The administration, however, was never really established. The Government General was created at once and I became the deputy of the Governor General. The sphere of influence is contained in a law but depends, of course, upon the question of the cases in which the Governor General uses my office, my job. On the 19th of January, 1940, he stated that, in a conference.

Q In this connection I should like to refer to Document 73 on page 185, which is an extract from Dr. Frank's diary, where on page 14 he describes the functions of Seyss-Inquart, and then on page 30 he states something which he has told me personally, that he assumes responsibility for what has happened there.

Now, you became the deputy of the Governor General although by rank as a Minister you were actually higher, and you actually exercised certain functions there. Under PS-2278 a report has been held against you which you yourself have written. You are accused of certain indivual action, and I want you to speak about this report.

A My secretary wrote that report. I certainly read it --

Q That is USG-706.

A Amongst other things it is stated -- alleged -- against me that the Governor of Lublin had made the suggestion that the Jews were to be transferred from Lublin to the district of Kirov and then to reduce them in numbers. The

H0153-0044

Prosecution themselves have stated that this is a remark made by the writer. Actually, this was not an official report of a meeting. The settlement area of a group of German nationals was concerned, and the employment of Jews in that area could hardly bring suspicion from me, that Jews were to be exterminated in that district. I knew, however, that the fairly large Jewish population of Lublin was to be taken out of the town by the Governor. Any specific intention regarding the word "decimating", which might have meant exterminating, never occurred to me. The Governor of Radom reported to me that criminals had been shot and it is true that he had told me that. I was under the impression that that had been done through the means of the police courts-martial which still existed at the time. But several sources are mentioned -- or rather, there are several passages in that same report where I point out that German courts had to be introduced and that no sentence were to be pronounced or carried out without proper court procedure. I think that quite probably I must have said the same thing at the time I was at Rado only it isn't contained in that report.

I have been accused of removing certain necessary products, such as salt, or wanting to monopolize them. In the economic chaos we found in Pola that was quite natural. We had to come to a natural economic system, for the agricultural population who had to be supplied with certain products so that they in turn could supply food to the Polish town populations. In that connection I want to point out that I urged the re-establishing of the Polish self-administration under the old departmental heads from the old Polish time and that I pressed for 9,000,000 of zloty to be placed at the disposal of that scheme, just as I wanted vehicles, motor-cars set aside. I also wanted compulsory work to be replaced by normal employment as soon as possible.

Q The so-called "AB Action" plays a considerable part in the Polish question. It is an abbreviation for "extraordinary pacification action". Since that might still have happened at the time you were active there, I want to ask you if you know anything about it?

A This affair took place during the very last period of my stay in Poland, with the beginning of the Norwegian campaign and increased through the

H0153-0045

campaign in the West. The resistance movement in Poland became extremely active. The Security Police demanded severe measures. Buchler's objection, which he has talked about when he was here as a witness, was in fact raised. But I also understood the Governor General's words to mean exactly the same as Buchler wanted them to be understood. But Buchler was perfectly entitled to point out what these facts were, because the police might have considered these words to mean much greater powers than the Governor General intended to give them.

Dr. Frank always opposed the sentences passed by these police courts-martial and he appointed an investigating committee, of which I was the chairman as long as I was in, and sometimes we cancelled as much as 50 per cent of the sentences imposed.

Q How long were you actually the deputy when Dr. Frank was prevented from acting?

A I think it amounted to a total of ten days.

Q Well, then, I think I can deal with Poland finally by asking, Did you introduce any measures which were in the interests of the Polish population

H0153-0046

A During the winter of 1939 to 1940 there was starvation in Polish towns. I intervened with Secretary of State Backe myself, and, for instance, on one occasion I obtained six thousand tons of grain for the large cities. I approached Reichsmarshal Goering and the Fuehrer and I intervened on behalf of the Town of Lodz, which was to be left inside the Government General. The same applies to the coal district, West of Krakow.

Q I now come to the main part of the accusation held against you, and that is the question of your activities in the Netherlands.

My first question is this; How did you happen to become Reich Commissioner for the Netherlands?

A The Fuehrer nominated me.

Q And where were you at the time?

A I was on a duty journey in the Government General, and Dr. Lammers called me to the headquarters.

Q So you didn't apply for this job, did you?

A No, I didn't think of it. At that time I had asked the Fuehrer for permission to be called to the armed forces.

Q But weren't you incapacitated because of a wound in the last war?

A I had hoped that I might be useful somehow or other.

Q And what were the instructions which the Fuehrer gave you when he nominated you?

A The instructions are contained in a document submitted by the prosecution, the number being 997-PS, which gives a fair picture of them.

Q That is RF-122.

A I was responsible for the civil administration and, within its framework, had to look after the interests of the Reich. Apart from that I had a political task, which was, under the maintenance of Dutch independence, to try and achieve it so that the Netherlands would change their pro-British attitude and become pro-German, and to create a particularly close economic collaboration.

I want to draw your attention to paragraph 3 of this document. There I point to the difficulties connected with those two tasks and the difficulties connected with coordinating them. I was pointing out that one could not coordinate the two so easily.

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The occupation power, I said, demanded the end of any public activities on the part of the Dutch, and the question of forming a political will and political attitude would be subject to having such freedom not limited; and I said that the final outcome for the Dutch would be to have them make a decision of their own.

It was not my intention, therefore, to force upon the Dutch people any particularly political will.

Q Was this order of the Fuehrer ever changed or altered later on?

A No, that order was never changed.

Q How did you carry out that task from the political point of view? Did you ask the existing parties in Holland to cooperate?

A With the exception of the Marxist Party, I allowed all the other parties to remain, and I gave them the possibility to remain active, as far as that was in the interest of the occupying forces. I particularly promoted the National Socialist Party.

Q The prosecution have made the accusation against you that in your speeches you often represented the facts differently from the functions you carried out.

I refer to PS-3430, USA 708. It is stated there that you tried to force National Socialism upon the Dutch. This is document 76, at page 197 of my document book.

A It is certainly correct that the target which I had set for myself, and which I proclaimed in my speeches, was not carried out in practice, or could be carried out. However, it may be possible that

H0153 - 0048

the Dutch had the impression that I was trying to force National Socialism upon them because, after all, I had only admitted NationalSocialist parties, whereas I had to prohibit the others.

I never used forcible means at the disposal of the State against any Dutchman, and I never demanded from any member of the population that they should become National Socialists; I never forced any of them to become members of the Party, nor did I ever make that a condition for exercising the general rights and privileges which every Dutchman was entitled to.

Incidentally, I particularly referred to that in my speech. I said: "I shall always act as a National Socialist. But that does not mean that I shall force National Socialism on to even one single person. National Socialism is a matter of inner conviction. There are two groups of organizations. One is the group of political organizations in connection with which I attach importance to the demand that each and every member be led to National Socialism. These are absolutely voluntary organizations. Then there are the vocational organizations, in connection with which it is immaterial which outlook the individual might have, as long as he fulfills his task in his profession."

Q Why and when did you dissolve the political parties in Holland?

A That happened during the second half of 1941, with the beginning of the Eastern campaign. At that time all the political parties, with the exception of the National Socialists, adopted an active hostile attitude otwards the occupation forces. In the interests of the occupation forces, that could no longer be tolerated.

I think it is remarkable, to say the least, that for one year and a half I permitted these parties to continue their work. which parties, after all, weren't any less hostile to the National Socialists than National Socialism today is with regard todemocratic parties.

Q Tell me, is it true or not that you preferred the NSB Party and privileged it?

A That is quite true, as far as the political propaganda sector was concerned; it is incorrect as far as the state sector was concerned.

The creation of a so-called National Political Secretariat has been alleged as an accusation against me. That was an advisory body with a National Socialist attitude, attached to my administration. It was not al lowe

H0153-0049

to exercise any influence on the Dutch administration, because any such attempts were always, really, stopped by me.

Q Didn't you, nevertheless, bring individual members of the NSDAP, certainly, into state positions?

A That is true, and it was a matter of course for me because I had to find officials on whom I could rely. They were not under orders from the Party, however; on the contrary, in most cases there developed a certain difference between these people and the heads of the Party.

Against urgent representations, I did not create a National Socialist government in the Netherlands, as had been done in Norway, for instance. That was so particularly because certain Dutch gentlemen, such as General Secretary Van Damm, President Van Lohen of the Supreme Court, and the President of the Cultural Committee, Professor Schreide, urged me to realize the incorrectness of such measures.

Q President Vorring, a witness who has been examined here, has talked about an exploitation policy. Is that true?

H0153 - 0050

A I am aware that some exploitation with respect to German policy did, in fact, occur. I observed it, and I stated the fact publicly. I regretted this occurrence, but I could not stop it. The German occupation forces had to introduce anumber of measures which meant a certain pressure on the Dutch people, and it discredited our Netherlands friends.

Q What do you have to say regarding the accusation raised against you, that you had coordinated all cultural institutions with the Reich?

A Generally speaking, that accusation is partly correct. With the prohibition of political parties, most of the organizations of trade or profession became impossible, since right down to the chessplayers' club, everybody in the Netherlands organized. It was in the interests of the occupation forces that I had to create new organizations of supervision. Maybe it was lack of imagination, but somehow these organizations were very similar to their original predecessors in the Reich. But I only created these organizations to carry out supervision, and never did I ask them to cooperate politically. I not only made the carrying on of a profession go along these lines; I did not even introduce compulsory membership fees.

I admit that we made two mistakes, or errors of judgment: First of all, we had the mistaken impression that our rule applying to the occupation forces was the right, and at least the better, one; and secondly, that in an occupied country, an independent political will can develop. There our policy failed.

Q Whatinstitutions did you introduce, in consequence?

A I created a Chamber of Culture, a Medical Chamber, one for chemists, and one for agriculture. Then there was a workers' front, but that was a voluntary organization. Members could leave it without any disadvantageous conseqences, if they wanted to.

Q Then there is something else you have been accused of, and that was that you attempted Germanization. What do you have to say about that?

A First of all, I have to explain something clearly. In the English, you say "Germany", and in the Russian you say "Germanski." Both mean "German" (Deutsch). And when we spoke of "Germanization", then we did not mean "making them into Germans"; we meant a political and cultural collecting of a so-called German group, giving them equal rights. That we did act in that manner is something I stated in a speech, Document 103:

H0153-0051

"Why do the Germans interfere with everything in the Netherlands?"

Then I went on to say that in this total there would be moments of tension.

THE PRESIDENT: What page is that on?

DR. STEINBAUER: It is U.S.A. 708, which has been presented as a book.

THE PRESIDENT: Has it got a PS number?

DR. STEINBAUER: Its PS number is 3430. It has been made U.S.A. Exhibit 708. It is a book entitled "Four Years of the Netherlands", and it contains a collection of speeches made by the witness, each one of which has been used by the prosecution. The witness is now replying.

THE PRESIDENT: Thank you.

THE WITNESS: "There are moments of tension where there is no longer any dividing line between something which is important to the war effort and in the interests of the military, and something which is private and a matter for the civilians."

I was quite aware of the fact that any public activities might be utilized for, or against, the occupation forces, and that, therefore, I had to exercise control over them.

BY DR. STEINBAUER:

Q Were there attempts on the part of anyone in the Reich to influence your administration in the interests of the party?

A The foreign organization in the Netherlands had a changed set-up. It had a different sphere of activities which, with reference to the policies of the Dutch National Socialist party supported that in every respect. It did not have any particular interest or return, and that is the important point.

Q Now, let us turn to the administration proper. Which organizations were there in the Netherlands?

A In the civil sector, there was the Reich commissioner, who came under the armed forces' commander. Then the police had an independent sector. The commander of the armed forces had the right to intervene, and beginning with July, 1944, some of the executive powers were transferred to him.

The police was merely placed at my disposal, but came under the Higher SS and police leader, who, at Himmler's suggestion, was always appointed by the Fuehrer without my being asked. The police reserved to themselves the right to investigate, [illegible] would

H0153-0052

right to investigate; that is to say, if I gave them a task, they would investigate whether the task could be coordinated with their instructions which Himmler gave directly to the Higher SS and police leader.

Then there was the Four Year Plan, which carried out the orders of the plenipotentiary for labor and the armament ministry.

Q Then surely, as another organization, there was the Action Staff Rosenberg, and then there is Speer?

A Yes, there was the armament minister, Speer. Then there were certain rather smaller individual tasks which were being carried out.

Q So that you were really nothing other than the man carrying out the orders on behalf of Reich departments?

A No; I was not an ordinary official. I was responsible to the Reich in the civilian sector. Perhaps in the first months, departments in Berlin might have worked better by by-passing me. But I then centralized the administration in such a way under my supervision that nothing occurred in the civilian sector which I had not previously agreed to. That was especially recognized by the Fuehrer on one occasion. I want to say that you must not draw any corresponding conclusions with reference to other occupied territories. I am perfectly convinced that in the Eastern territories and in the government in general, the same centralization did not exist.

Q What possibilities did you have to establish an administration?

A The initiative for the demands made by the Reich came, of course, from the leading departments in the Reich. I investigated the demand, together with my officials in consultation with the departments of the Netherlands. We would then submit counter-proposals, which we thought could be expected from the Dutch. And if the Reich still demanded more, then we made efforts not to exceed the possible. Until 1043, all requests were being carried out by the Dutch authorities themselves. I did not allow my departments to submit such demands until after that time, because then the demands became so enormous that I could no longer expect the Dutch authorities to make them.

H0153-0053

Q I come back to the question of police for a moment. As you said, it came directly under Himmler?

A The possibilites I had were two: One, considering that the Queen of the Netherlands and the government had gone to London, would have enabled me to nominate a new Dutch government, as had been done in Norway; or, I had to conduct the administration of the country myself. I decided on the second solution.

Q How did you deal with the police of the Netherlands which was in existence? How did you organize it?

A Whereas the German police were not in any way dependent on me, the Dutch police were under my orders; but it was a matter of course that the supervision of the Dutch police was transferred to the Higher SS and Police Leader by me. In his capacity as my General Commissioner for the security system, the Dutch police were divided into either three or four sectors. I think that it can be explained with the interests of the occupational powers that we then coordinated it from thepoint of view of organization.

Q What was the Land Guard of Home Guard?

A It was a protection squad organized by Netherland National Socialists. In 1943 there were serious cases of terror against National Socialists, and there were very cruel murders. The danger of counter-terror existed, of which we heard. In fact, there were several such cases. Consequently, I organized this Land Guard, which had the order to act as auxiliary police, with corresponding discipline, and which controlled the pier during the hours of darkness, guarded railways, and carried out such tasks as those. The result was that these acts of terror did almost entirely cease, and until the middle of '44, no further difficulties of that type occurred.

Q Mr. Witness, we now come to a most important chapter.

A May I just for a moment refer to the Document 101? This document has been held against me by the prosecution--

THE PRESIDENT: Is 101 the right designation?

DR. STEINBAUER: Mr. President, the speeches which the Defendant is quoting have been sent down by me to be multigraphed. Although they are

H0153-0054

already before the Tribunal, unfortunately the translation department did not quite catch up and therefore it is not yetavailable, but I hope to have them by the morning.

THE PRESIDENT: Hasn't it got a PS number of any other designation?

DR. STEINBAUER: It is almost the same book, USA 708. The prosecution has only quoted individual sentences there.

THE PRESIDENT: I see.

THE WITNESS: The prosecution has quoted Page 167. On the 1st of August '43, I delivered a speech announcing special measures which would bring difficulties and restrictions to the Dutch, and the prosecution believes that shootings which took place later are connected therewith. That is an error. The restrictions which I am mentioning in that speech were merely orders prohibiting Dutch people to leave their own provinces, so that terrorists from the Northwest could not go to the East. As this happened during the time of the holidays, this meant something awful to the Dutch.

Q Now I come to the next question. Did you change the existing organization of the lower courts?

A The organization of Dutch courts was entirely taken over by me. Legislation in the Netherlands had a very high standard. Only on two occasions did I introduce supplementation. The Dutch judges showed little understanding for the economic situation. For instance, on the one occasion a group of black market butchers, which had killed large numbers of cattle and introduced them into the black market, were fined two hundred guilders; so I introduced special economic judges, Dutchmen, who had more understanding of these economic necessities. But apart from that, the legal situation was left untouched. Of course, we also introduced our German courts, as every occupational force does.

Q So that we had Dutch courts and we had German courts for Germans staying in the Netherlands, and then we had the police courts; is that right?

A Yes, but then the Dutch who violated the interests of the German occupation forces were dealt with by these courts.

Q Now, it has been alleged that these courts had ordered four thousand executions.

H0153 - 0055

A That is perfectly untrue. If I count everything which the German courts, Police courts, and military courts had pronounced in the way of death sentences which wereactually carried out, and if I add to that the cases where there were clashed with the executive powers on theoccasions where Dutchmen lost their lives, then in accordance to the documents from the Higher SS and Police Leader giving those figures until themiddle of 1944, it amounts to less than eight hundred cases during four years, which means less than a bombing attack on the town of Njemegen. The shootings came afterwards.

Q Then you also exercised the right to reprieve, for which you had a special repreive department?

A Yes.

Q In this connection, I want to refer to Document No. 75 in my Document Book, which is on Page 190. This is an affidavit from the Court Councilor, Rudolf Fritsch, Judge in the Court of Appeals in Berlin, who was the reprieve expert for the Reich Commissioner. I want to quote from this document and I refer to the second paragraph on Page 3:

"In performing his right of clemency the Reich Commissioner proceeded from the principle that this was one of the most distinguished rights of the head of a state and that it was especially suitable for creating a good and close relationship between the Germans and the Dutch. Therefore, in the beginning he himself made the decision in all cases on the basis of case reports submitted to him and a clemency proposal of the clemency division. After about two to three months he delegated internally the exercise of the right of clemency to the chief of the clemency division with the following exceptions: 1) cancellations of proceedings, 2) decisions in case ofdeath sentences; (3) decision in fundamental questions, 4) decision in individual cases, etc. was executed where the clemency question was not examined officially even if a petition for clemency had not been made."

H0153 - 0056

Then I come to page 5, the last paragraph:

"Since the cooperation with the Dutch authorities proved that they could be trusted, the Reich Commissioner gradually delegated in the main the right of clemency to the Dutch minister of justice. From the great amount of mail which came in and which did not concern clemency matters only, I repeatedly saw that police actions had been staged by the Gestapo by which the regular administration of justice was eliminated or was to be eliminated. In such cases I collected material and used it to take action in order to place the persons involved before regular courts for judgment of their cases. Indeed, I succeeded with such action. This was proof to me that the Reich Commissior was an opponent of the Gestapo's wild police methods and an adherent to the regular administration of justice."

I think that with that we can end the chapter of justice and now come to the question regarding finance.

A Yes, but the Fuehrer's order excluding courts is of importance.

Q Which order was that?

A That is the decisive order. After the strike at Amsterdam, I had proposed court martial procedure. That isn't an invention of recent times; it is the summary court procedure in the case of special emergencies, such as legislation of every country contains.

Courts martial had special conditions. First of all, a regular judge had to be a member. Secondly, defendants' counsel were foreseen, whoIcould be Dutch. Thirdly, evidence had to be collected in the proper manner, and if the question of guilt was not clearly proved, then the case had to go before the ordinary courts.

This court martial procedure was only in force for 14 days on the occasion of the general strike in May 1943. The numerous shootings later on cannot be traced back to these courts martial. They had been provided for the case of a special emergency if Dutch territory once more became operationa

In the meantime, however, an order appeared from the Fuehrer which was al known from an order from the OKW. I refer to PS-1155 -- no, I beg your pardo. I don't think I am right. It is PS-835.

H0153-0057

On the 30th of July 1944, the Fuehrer ordered that all non-German civilians in occupied territories who were guilty of sabotage or terror actions were to be handed over to the Security Police. The Higher SS and Police Leader and I objected to that order, since we realized what damaging effects it would have in The Netherlands, since the Dutch would only be pressed into illegal organizations through the appearance of such an order.

The Higher SS and Police Leader never carried that order out during a period of over six weeks. This caused a severe reprimand by Himmler, and from that moment the Dutch who had been arrested for sabotage or illegal activities had to be judged under his own jurisdiction, and in certain cases, were shot. That is the cause of numerous shootings, but I do not believe that there were 4,000.

As often as I could, I suggested to the Security Police that they should be most exact when carrying out that order, and there were no reports to me about individual cases. I had the impression that there were perhaps 600 to 700.

Q If I understood you correctly, then this was a police affair.

A That is correct. It certainly didn't come under my influence, nor was I competent for it. But if, at that time, I gave the Security Police orders that they should pursue some illegal organization in some place or other, then I had to realize that one or the other Dutchman who would be found out to be a leader of such a movement would be shot by the police without the court or I being able to investigate the case. But then I couldn't forego the privileges with which I could safeguard the security of the occupational powers merely because of that Fuehrer order.

Q I now come to the chapter of finance. A document has been presented here where a certain Mr. Tripp announces his resignation. Who was he?

A He was the president of the Bank of The Netherlands, that is to say, the currency bank. He was the General Secretary for Finance. I think if you list the most outstanding banking experts of the world, then you will also have to mention Mr. Tripp. He has great personality and he is one of those men who are today described as Dutch genius.

Q He was also General Secretary for Finance, wasn't he?

H0153-0058

A Yes. Until March 1941 he was the General Secretary for Finance.

In my first speech to the general secretaries, I had stated that I would demand from none of them that he should do something which he could not assume responsibility for in his conscience. If he thought that here was something he couldn't do, then he could resign without suffering any disadvantages. I said that all I demanded was for him to carry out my orders loyally as long as he remained in office.

Until March 1941 Mr. Tripp remained in office, and then he resigned because there was something he didn't wish to carry out, and he suffered no disadvantages.

Q Who was his successor?

A Let me say first of all that what Mr. Tripp carried out until March 1941 is, in my opinion, justifiable in every respect. Otherwise, he most certainly would not have done it.

His successor was Rose von Tonningen. Tonningen was a League of Nations Commissioner in Austria who had had tasks similar to those I gave him in The Netherlands.

Q What about the occupation costs?

A As far as civilian administration is concerned, I agreed with Mr. Tripp that I should receive 3 million guilders per month. Then there were 20 million in fines in addition to that. During the first three years, I saved 60 million guilders which remained in The Netherlands as a special donation.

As far as military occupation costs were concerned, I had no right to check them. The armed forces put in their demands to the Minister of Finance, and I then received orders to place them at their disposal. During 1941, the Reich collected indirect occupation costs. The point of view was adopted that not only the costs which were incurred in The Netherlands directl were to be collected, but that the costs of preparations in the Reich should be collected. Fifty million marks per month were demanded, partly in gold.

THE PRESIDENT: Do you mean marks or do you mean guilders?

THE WITNESS: Marks, 50 million marks. Later on, that payment was

H0153-0059

called voluntary eastern assistance for political reasons, But of course that wasn't so. Later on, the Reich demanded an increase to 100 million, but I refused.

BY DR. STEINBAUER:

Q Mr. Tripp retired as General Secretary for Finance because the foreign currency bann which still existed at the time between Germany and The Netherlands was lifted.

A Yes, that is correct. I had an application through my administration that the business traffic between the Reich and The Netherlands should be intensified, and that this foreign currency bann should be lifted to the extent that without using the currency bank guilders could be exchanged for marks and vice versa.

The principal possibility for such exchanges had already existed under Mr. Tripp, but it was subject to the control of currency banks, that is to say, the Netherlands banks as well. Mr. Tripp raised objections, and I passed the matter on to Berlin. Berlin decided that it was to be carried out, and Mr. Tripp resigned.

I appointed Tonningen to the presidency of the Bank of The Netherlands, and I published the decree.

I want to say that the president of the Reichsbank, Mr. Funk, was against this procedure, and I can quote as an explanation that the effects at that time were not so catastrophic as they turned out later. At that time, The Netherlandshad been completely cut off; the Reich had reached the climax of its power, and it was to be expected that the mark would be the leading currency in Europe, with which rate the guilder would have had similar ranking

In February 1941, for instance, imports from the Reich into The Netherlands exceeded the exports from The Netherlandsinto the Reich. Reichsminister Funk always had the view that these were genuine debts, so that the cost of a 4½ billion golden guilder debt in the event of a different outcome of the war would have had to be paid back to The Netherlands.

Q If I have understood you correctly, it was your General Secretary fo Finance, Dr. Fischboeck, who arranged this matter contrary to the wishes of the president.

H0153-0060

A I don't know whether the proposals came from Fischboeck only. I presume that he must have talked to other officials. But anyway, he put them to me.

Q You furthermore have been accused of having imposed collective fines contrary to international law, money fines.

A Collective fines are prohibited under international law only for individual perpetrations. The large collective fine of 18 millions was imposed in connection with the general strikes at Amsterdam, Arnheim, and Hilversden, in which the entire population had participated.

Later, I had collective fines paid back if individuals could be ascertained as being perpetrators.

H0153-0061

Q Can you give us any practical examples?

A I think witness Schwebel will be able to tell you that. There were towns in the South of Holland where that sort of thing has happened.

Q You were also accused, by the Prosecution, to have been responsible for the hostage camp in Michelgestell.

A I can take full and absolute responsibility for the existence of the Michelgestell hostage camp. It wasn't a hostage camp in the full sense of the word. The situation was that Dutchmen who proved to be members of resistance movements were taken into custody by me. The camp at Michelgestel is not a prison because I have visited it and the inmates of the camp were playing golf. They had leave, in the case of compassionate or other matters, and not a single one was ever shot. I think the majority of the Netherland Ministers of today were at Michelgestell. It was a sort of protective custody so that they were to be temporarily removed from their anti-German activities.

Q Furthermore, Mr. Witness, you also prohibited the reading of religious lessons, and you were supposed to have admitted Catholic and Protestant preachers to concentration camps.

A It is true that one religious lesson was prohibited by me, something which happened because it was obviously in opposition to the measures of the occupational forces and it was inciting disobedience. That was one individua case, and thereafter it did not happen again. In fact, I even interfered and cancelled the prohibition issued by the police and as a result I was criticized. No priests were sent to concentration camps by me. To the contrary, at the beginning of 1933 and after they had been reported to me, I received a list from the Security Police which contained the names of prisoner who were in concentration camps. The total was around 45 or 50. 3 or 4 of them bore the remark that they had died in concentration camps. Approximately one-third were shown to me and on the strength of the evidence, II demanded their release. Another third should be investigated, I demanded during the following six months, and as far as the last third was concerned, I could not make such an application without violating my own responsibility

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towards the Reich. There were also other reprisal hostages, and when the Netherlands came into the war, the Germans in Dutch-India were taken into prison and were mistreated. The Reich demanded that 3,000 Dutchmen were to be arrested. The Security Police arrested 800 and took them to Buchenwald.

When I heard that the numbers of deaths were very high, I continued to urge the authorities of these hostages until they were returned. They were then accommodated in a manner which can no longer be described as prison. They were given leave, and whenever possible, I released them. In the end, I had less than 100.

Q Mr. Witness, prayers in Church, or prayers for the Queen, were supposed to be prohibited by you.

A That is incorrect. The prayers in the Dutch churches were obvious demonstrations, as is understandable, and they were prayers for the Queen of the Netherlands. There were prayers, at that time, for the Reich Commissioner so that he could be enlightened. But I found nothing wrong with these prayers which would cause me to prohibit them. In 1 or 2 cases, some subordinate authority might have acted and in which I have not concurred

Q That would not have been so bad, but it has been said that you have been particularly cruel, and that without legal proceedings, you had had a large number of people shot. What do you have to say to that?

A As far as I can remember, there was only one case of a hostage beir shot without there being any connection between the shooting and the necessary legal process. This occurred in August, 1942, and the case has already been mentioned in this courtroom. This case was carried out strictly under the so-called "Hostage Law" which has been quoted here. Ther had been an attack against an armed forces transport, and 15 or 20 hostages were demanded and were to be shot, and I think the OKH made that demand through the Commander of the Armed Forces and the Higher SS and Police Leader

My intervention consisted of reducing that figure to 5, and then I look at the lists which had been submitted to me by other departments. That lis has been read out here and I noticed something about that list. The Higher SS and Police Leader stated that the list was to be compiled in keeping with

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the instructions that existed, and that this attack could be traced to the political nameson the right, those of the opposition and of the resistance, and not to those on the left, therefore no workers were to be shot. I only exercised influence insofar as I caused the Higher SS and Police Leaders to exclude fathers with several children fromthat list.

Q Mr. Witness, what do you know, in detail, about the shooting when the camp at Vught was closed?

A When the British and Canadians advanced through Belgium towards the South of the Netherlands, I had so much work to do to keep up the good order in my territory, that I could not concern myself in detail with that camp at Vught which was under the police. The Higher SS and Police Leader usually informed me that the most important political prisoners, numbering about 200, were to be transferred to the Reich, and that the list of several implicated people was to be released. Ordinary criminals were to be placed under the command of the Dutch Police officer, and to be handed over to the Canadians. It was only here that I heard that there were cases of shooting, and the only explanation I have is that at the last minute, the Reich prohibited the transporting of these people to the Reich and gave the order to shoot them. I do not believe that the figure can be 600, because witness Kollpuss has stated that there were 130 to 150, but even at that I think it is a high figure.

Q What do you know about the shooting of hostages after the attempt on the SS and Police Leader Rauter?

A The attempt on the life of the Higher SS and Police Leader Rauter originated from the resistance movement and it was carried out with British weapons.

Q What do you know about the case Putten?

A Excuse me, I have not finished my previous statement. Himmler, at that time, demanded the shooting of 500 hostages. Rauter refused and informe me that there were a number of Dutchmen in the prison who were to be shot in accordance with the Fuehrer's order because they had been convicted of other actions of sabotage. He had hesitated, he said, since the number was rather

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large, but now he could not hesitate any longer. He could not give me the actual figure. In that situation, I could not, in my opinion, prevent him from carrying out the order, because we had to control the resistance movement with whatever means we had at our disposal. That movement was started by the Dutch in London and it presented a very serious hindrance to the German occupational forces.

230 Dutchmen were supposed to have been shot, amongst them 80 alone in Apeldorp, and that appeared to be a very high figure to me, but Dr. Schoengart told me that Apeldorp had been the center of many resistance movements.

Q Finally, I want to ask you, what do you know about the case Putten?

A In Putten there was an attack on German officers. Three were murdered. The entire case happened to the armed forces, and I knew that retaliation measures were planned. I myself, at that time, was concerned with the construction of military position. The Higher SS and Police Leader informed me that he had the order to burn the village of Putten, and to transfer the male population to a concentration camp in the Reich. I said that he should reduce the figure to 40% and later on he reported to me that the death figures in German concentration camps were high. I turned to him and to the Armed Forces Commander to have these men returned. The Armed Forces Commander agreed. Whether this order was actually carried out I don't know.

DR. STEINBAUER: Mr. President, perhaps at this point we could make a short pause?

THE PRESIDENT: Yes.

(A recess was taken).

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DR. STEINBAUER: Members of the High Tribunal, I should like to return the question of the blocking of foreign currency.

The Defendant, Reich Marshal Goering just told me that in this conflict Funk was against it, and that he, Goering, as head of the four-year plan made the decision to blockade the foreign currency -- it was to be removed. And he writes "I hold the responsibility." That was a decision which was made by Goering.

THE PRESIDENT: Dr. Steinbauer, it is not, of course the regular way to inform the Tribunal, your statement as to what one of the defendants may have said to you during an adjournment.

DR. STEINBAUER: He wrote it.

THE PRESIDENT: I am afraid that doesn't make it any better. You may ask the witness any qestion about it.

DR. STEINBAUER: On the question of shooting without court sentence, I should like to refer to a very important document, No. 77, page 199. This is F-224, report of Kriminal Kommissar Munt. It is as follows, on page 3:

"In my opinion it is very likely that General Christiansen demanded the maximum number of victims to be executed. Cristiansen spoke to Rauter, an inpulsive and tactless man, of numerous reprisals and the latter on his part applied pressure upon the BDS (Dr. Schoengartner)."

He reports further on page 5:

"These were often prisoners who had already been sentenced to death by the Higher SS and Police Chief. Reprisals as punishable acts were a matter for the police. After August 1944 and in accordance with an order of the Fuehrer these reprisals were interpreted in the manner that a number of Dutchmen were arrested for entirely different motives and that they were shot on account of acts of sabotage and murder attempts."

A May I explain that briefly?

Q Please do.

A For example, leading members of the Resistance Movement were arrested and on examination by the higher official police leader it was determined that they be shot according to the Fuehrer's orders. The Higher SS and Police Chief called upon his court officer for this examination. When there was an attempt to blow up a bridge, instead of shooting hostages, these men were taken and shot. It is the opposite of the shooting of hostages. Or at least it was supposed to be.

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Q Now, I come to the Chapter iV-B "Concentration Camps and Prisons." My first question: Who was competent in these matters?

A For concentration camps and for police interrogations prisons, the police were competent. For court prisons, the court authorities; that is, the court prisons were under my charge.

Q Were there concentration camps in the Netherlands?

A Yes, especially the big concentration camp of Hertogenborch. Then a police transit camp near Amersfort; a Jewish

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assembly camp in Westerborg. I have already spoken of Michelgestell; that was the protective custody camp. And then the camp at Ommen, which was neither a police nor a concentration camp - - but abuses occurred there.

Q What can you tell me about the Hertogenborch Camp?

A Hertogenborch was originally a Jewish assembly camp, was originally intended as such, at that time when we intended to keep the Jews in the Netherlands. But Reichsfuehrer Himmler gave an order to make a concentration camp out of it.

After thinking over this matter for some time I agreed with it, reasoning that I couldn't prevent Dutchmen from coming into the concentration camp, that I would prefer them to come into a concentration camp in the Netherlands where I might be able to exert a certain influence.

Q In these concentration camps excesses are supposed to have taken place; for example, in the Vught Camp, which you mentioned.

A That is quite true. In prisons, as well as in concentration camps, excesses occurred. In wartime I considered that almost unavoidable, because subaltern people are too little controlled. But when I learned of any such thing I took steps against it. The first time -- aroune 1940 or 1941 -- that my German court reported to me that a prisoner had been brought before it with wounds from a beating on his head, I had the case investigated, the head of prison was punished ans sent back to the Reich. In the Vught Concentration there was a high death rate. I immediately started an investigation, using the services of Dutch medical personnel. Daily -- and later on weekly -- I had the death figures reported to me, umtil they reached approximately a normal size. Of course, I don't know whether the head of the camp reported the normal death cases only or also included the cases of shooting. I don't know that.

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In this camp there were excesses; beatings were heard of now and then. The head of the camp was removed and sent to the Reich. I point out that the Higher SS and Police Leader apparently tried to maintain order, although he was not in charge of the camps; they were under Gruppenfuehrer Pohl.

There was one very serious case which, in document F-224, is described with the words "Woman in Cell".

The head of the camp, ostensibly for disciplinary reasons, had a large number of women crowded into a cell overnight, and three or four women smothered to death. When we heard of that, we demanded court action. The Central Administration in Berlin refused, and we turned to Reichsfuehrer SS Himmler and did not let up. The head of the camp was put on trial and received at least four years -- I believe it was a sentence of eight years. That is indicated in the French report.

Q. What about the Ammersford camp?

A. That was a police transit camp, that is, for prisoners who were to be turned over to the courts who were to be sent to the Reich, or persons who refused labor service who were being sent to the Reich. In general, they were not to be there more than six or eight weeks. There were Dutch guards in this camp; not Dutch police, but a voluntary SS guard company, I believe.

Excesses did occur here. General Secretary Van Damm called my attention to the fact that a Dutchman was supposed to have been killed there. I asked the Higher SS and Police Leader to clear up the case. He did this through his court officer, and sent the documents to me. According to the documents, severe mistreating occurred, but no one was killed, and the persons responsible were punished.

I repeatedly called the attention of the Higher SS and Police Leader to the fact that concentration camps and prisons in war-time gave an opportunity for excesses. If, here or there, not a severe case but certain mistreatment occurred, I always pointed it out. He then reported to me either that the case had not occurred, or that he had taken steps, and so forth.

In particular, I always had the food ration situations of the concentration camps and prisons reported to me. The food rations were satisfactory.

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I believe that the Dutch in the concentration camps and prisons, at the end of 1944 and in 1945, received more than the Dutch in the Western Netherlands, which I don't want to indicate as a special circumstance.

Then there was the Westerborg Camp. The Dutch Government set up Westerborg as a completely free camp for Jews who had fled from Germany. This was made over into an assembly camp for Jews. In the camp itself there were Jewish order guards, Dutch police guarded the camp, and locked the camp from the outside. There was a detail of the Security Police for supervision in the camp. In all the files I found no report about excesses in the camp itself. Every Sunday a clergyman went to the camp, at least one clergyman for the Catholics, Jews, and one for the so-called Christians.

We will speak about the transport or the removal later.

Now I would like to speak about Ommen. There is a long report on that. Ommen was intended as a training camp for those Dutch who wanted to be employed economically in the Eastern Territories; that is, volunteers. They were orientated on the country, the people, and the language there. The head of the camp borrowed prisoners from a neighboring penal institute, for work. I received the news that these prisoners were being mistreated; the judges of Amsterdam applied to me. I gave the Dutch judges of Amsterdam permission to inspect the camp personally and speak to the prisoners. That was done, according to document F-224, on the 5th of March, 1943. Thereupon the Amsterdam judges wrote a long letter to the General Secretary for Justice. They complained about mistreatment of the prisoners which they had noted, and about the fact that such prisoners were transferred to Reich institutions for labor.

The complaints were justified, and I ordered that the prisoners should be removed from the Ommen Camp to the Dutch penal institution, that Dutch prisoners should be returned from German prisons to Dutch prisons. This procedure was correct, and therefore, of necessity, I took the necessary steps to settle the matter.

Q. I must now ask you another question. Document RF-931 shows that you removed judges who made similar complaints.

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A. In my eyes the procedure of the court was incorrect. These judges did not apply to me, but they asserted openly, publicly, that the Dutch prisoners were being sent to German concentration camps and shot. According to the state of affairs as I knew it, that was false. I then informed them about the results obtained by the Amsterdam judges. The Neubaden judges refused to issue further judgments on the matter. I asked them to continue to officiate, but they refused. I then dismissed them as persons who refused to work. I could have had them tried by a German court.

Q. Did you receive complaints from the Red Cross about conditions in the camps?

A. In the Netherlands we had the arrangement that a representative of the Dutch Red Cross, Mrs. von Overlijn, could visit all concentration camps and prisons, especially in order to see whether the food packages were being forwarded. Neither Mrs. von Overlijn nor the heads of the Dutch Red Cross ever directed any complaint to me. I should like to say that this circumstance was especially significant for me because the Dutch complained about everything, and if I received no complaints, it had a certain calming effect.

I should like to remark that about the beginning of 1944, according to information placed before me, about 12,000 Dutch persons were in concentration camps or prisons. That means the same thing as if today, in the whole German territory, 120,000 Germans were in prison camps. That occasioned me to set up court commissions to visit the camps in order to investigate whether the prisoners could not be released or placed on trial. Where there were orders for arrest from Berlin, I could do nothing.

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Q. Witness, you have said that without interruption you waged a struggle against the police in this question?

A. I do not want to speak about a struggle.

Q. Do you believe that you were successful?

A. Yes. I believe on the basis of certain definite facts -- I followed the proceedings here very carefully, and we have heard terrible things -- the reports from the Netherlands, it seems to me, are not so bad. I do not want to say that I regret every excess, but such reports as in Breendonk in Belgium, do not exist. There are no such reports. The reports show beatings as the most serious charge. There is only a single report here -- that is F.677, the report of Broeder -- which attains the level of the usual atrocity reports.

I believe that this report should be received very carefully, since it does not say even who told him this. The reports are untrustworth. They state, for example, that the prisoners who were at work had to prostrate themselves before every SS man. I do not believe that the camp authorities would have permitted that, because then the prisoners would not have been able to work.

I cannot give any judgement, but I have the impression that it was perhaps not quite so bad in the Netherlands.

Q. To conclude this chapter, I will go over to the section of the indictment which deals with the question of labor service. What problems did you have in the Netherlands in the field of labor commitment?

A. In the field of labor commitment, we must distinguish between four or five different phases. When I came to the Netherlands, there were about 500,000 unemployed. We registered unemployed, those who expected to be released from the Netherlands military forces in demobilization, and then part-time workers, and so forth. It was an urgent problem for me to reduce the number of unemployed. In the first place, such an army of unemployed is without doubt the first source of recruits

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for illegal activities. In the second place, at the start of the war, it was to be expected that the economic situation of the unemployed would become worse. At that time we instituted measures which I must call voluntary labor recruitment. That lasted until the middle of 1942; that is, about two years.

I gave neither the German nor the Netherlands labor authorities full power to obligate any worker to work abroad. Certainly there was a certain economic pressure; but I believe that always exists in this question.

The recruitment was carried out by the Dutch labor office under the Dutch general secretary for social administration. There were German inspectors in the labor offices. There were also private hiring agencies; companies from the Reich hired their own workers. On the whole, about 530,000 Dutchmen were hired to work in the Reich. In the period which I called "volunteer", 240,000 to 250,000 volunteers went to the Reich and about 40,000 to France. By the first half of 1942, this reservoir had been used up. The Reich demanded more workers. We then considered introducing compulsory labor service.

I recall I did not receive instructions to this effect from Sauckel, but I received it from Bormann as a direct Fuehrer order.

Now, another commitment manifested itself predominantly but not exclusively in the following way. Young, and as far as possible, unmarried Dutchmen were called to the labor office, and they received certificates of obligation to take up work in the Reich. The Dutch report says that only a few refused. Of course, there were some who refused and were arrested by the police and taken to the Reich. The Higher SS and police leader reported to me that this totaled 2,600. About 250,000 to 260,000 persons were obligated, and the total hired was 530,000. So this 2,600 is one half of one per cent.

I belive that the figure of compulsory measures in the Reich was no lower.

At the beginning of 1943, the Reich demanded a large commit-

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ment of workers. I was urged to draft whole age-groups to send them to the Reich. I made certain that all of these workers received free contracts in the Reich and were not put in labor camps.

I decided to draft three young age groups -- I believe they were 21 to 23 years old -- and to spare married men. The success was satisfactory in the first group; in the second group it was moderate, and in the third it was quite bad. I realized that I could draft further groups only by force, and I refused to do so. But at that time, I managed, through Minister Speer, to arrange that the workers would not be taken to the work, but that the work would be brought to the workers. Large contracts came to the Netherlands, and the concerns carrying out these contracts were declared "blocked" concerns. That included the Organization Todt. Dutchmen who were needed in the Netherlands were deferred. Deferments for those with dependents were set up by Dutch authorities, over a million. It was clear that that was a Dutch sabotage, but I did not want to take steps against it.

No woman was ever forced to work outside the Netherlands, nor were young people under 18. Reich Minister Lammers confirmed here that at the beginning of 1944 he transmitted the Fuehrer order to me that 250,000 workers were to be brought to the Reich. He confirmed that I refused that. At that time, Gauleiter Sauckel came to me. He discussed this matter with me.

I must state that he recognized my arguments surprisingly quickly, and did not insist on carrying out the forced recruitment. By "forced recruitment", I mean blocking off whole districts and taking the men out.

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In the course of 1944 labor hiring ceased almost completely. Instead of 250,000 I believe 12,000 were sent to the Reich. Entirely different action took place in the fall of '44. From experience in France and Belgium, the High Command of the Army decided that able-bodied Dutchmen were to be drawn from Holland; that is the Western Netherlands. That was because the Netherlands government in England had set up an illegal army. I had the organizational charter in my hands. There was a complete General Staff and a complete War Ministry. We estimated 50,000 illegal troops. If even one able-bodied Dutchman joined, the illegal forces would have been more numerous than the German troops in Holland. Moreover, they had received very good equipment from England. Full shiploads of the most modern submachine guns were confiscated by us, but I am convinced that the larger part of the weapons was not confiscated by us, The High Command of the Army through the military Commanders, ordered the removal of the able-bodied Dutchman. The measure was carried out completely by the Wehrmacht. A general who was sent for for that purpose, was entrusted with the task, with an operational staff of his own. The measure was carried out by the local commandants. My local authorities were informed at the last moment or not at all. Of course I knew about the measure and you have the reasons just presented. I could not take the responsibility of protesting against it. I only took a part in order to protect civilian interests, so that the workers in the vital concerns would not be removed. I entrusted the Plenipotentiary General for the total war effort with this, whom Dr. Goebbels had sent to the Netherlands in the meantime. His task was to issue deferment certificates. He issued 50,000 of them.

THE PRESIDENT: Did you mean that you entrusted it to Himmler?

THE WITNESS: Goebbels, the Plenipotentiary General for the total war effort.

I admit that this measure led to conditions which were unbearable for the Dutch. I am certain that, as for feeding, tem-

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porary lodging, and transportation, the population in the bombed German territories did not have any better conditions, but one could not demand this from the Dutch. Many Dutch people told me at that time that they would be willing to agree this labor commitment, not to aid the German cause but only in order to avoid these severe conditions, if they would be drafted in orderly proceedings. I then did that. The Plenipotentiary General for the total war effort issued the proclamation which has been submitted to the Court. The people were called to the Labor offices. The lists were recorded. The people were sent home again to get clothes. They were ordered to report to the railroad stations. Not the police, but labor officials took them to the Reich for normal work. The Dutch report, in its objectivity, recognizes this fact. It speaks of the better transportation conditions of labor mobilization. I am responsible for this labor mobilization for the reasons which I have given.

DR STEINBAUER: Mr. President, may I remark in this connection that my document No. 78, USA 195, Page 200, excerpt from government report of the Netherlands government, confirms the statements of my client fully. I should like to read it briefly because it is important. "Page 2. Workmen who refused (relatively few were prosecuted by the 'Sicherheitsdienst' (SD)." Then: "Page 3. Apart from that, the measure was not very successful. Certain German authorities seem to have resisted its execution, because many former members of the armed forces received exemption; others went underground..... The result was that in the last month 1943 and in the greater part of 1944 relatively few persons were deported." And then: "Page 6. Until the end of 1944, the method of transportation for deportees was bearable. . . The one who reported for the manpower mobilization in January, 1945, enjoyed improved transportation facilities, that is, almost the whole journey by rail, although only in freight cars."

THE WITNESS: We had no other cars at that time. I should like to refer to the fact that I also drafted Dutch workers

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in order to carry out the construction work entrusted to me by the Fuehrer on the resistance lines east of the Weichsel. The transports which came from Rotterdam, and so forth, I used part of them for this purpose and thus I prevented these people being sent to the Reich. I only wished for further transports into the Gau Essen, because it was reported to me that in the Rees camp the treatment was so poor that some Dutch people had died.

DR. STEINBAUER: Now I come to the next chapter of the indictment; that is, to the Jewish question. The Netherlands government report, USA 195, sums up all ordinances. This was submitted by the prosecution. To aid the memory, I should like to submit this document 1726, so that it may remind you of the laws. The Court already has it.

BY DR. STEINBAUER:

Q What did you, as Reich Commissar, do in the Jewish question?

A When I took over the functions of the Reich Commissar, I of course realized that I had to take some position and would have to take some steps in regard to the Jews in the Netherlands. Amsterdam, in Western Europe, is perhaps the best known and one of the oldest Jewish communities in Western Europe. Moreover, in the Netherlands there were many German Jewish emigrants. I will say quite openly that from the First World War and the post-war period, I emerged as an anti-Semite. I need not explain that here. I have said that all in my speeches. I may refer to them.

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I had the impression, which will be confirmed everywhere, that the Jews, of course, had to be against National Socialist Germany. There was no discussion of the question of guilt as far as I was concerned. As head of an occupied territory, I had only to deal with the facts. I had to realize that I had to expect resistance, defeatism, and so on particularly from Jewish persons.

I told Colonel General von Brauchitsch, Commander in Chief of the Army that in the Netherlands I had to remove Jews from leading posts in economy, the press, and state positions.

The measures taken from May 1940 to May 1941 were limited to this. The Jewish officialswere dismissed, but with pension. The Jewish firms were registered and the heads of the firms were dismissed. In the spring of 1941, Heydrich came to me, to the Netherlands. He told me that we would have to expect that the greatest resistance would come from Jewish circles. He told me that the Jews would have to be treated like other enemy aliens. They, like the English in the Netherlands, were to be confined and their property confiscated. In view of the large number of persons involved here, about 140,000, this was not so simple. I admit frankly that I did not object to this argument to Heydrich's. I also felt it was necessary in this war which I absolutely considered a life and death struggle for the German people. For that reason, in March 1941, I ordered that the Jews in the Netherlands be registered. Now it went on step by step.

I may say that the final results, as far as the Netherlands are concerned, were intended from the beginning, but we took this way. The regulations cited here, if they appeared in the Dutch Legal Gazette, were mostly signed by me personally. At least, they were published with my express permission. Individual measures which are mentioned here were outside my will. For example, in February 1,000 Jews are supposed to have been arrested and sent to Buchenwald and Mauthausen. I know this about that matter --

THE PRESIDENT (Interposing): February of what year?

A (Continuing): February 1941. In the Amsterdam ghetto, a National Socialist was killed by Jews. Reichsfuehrer Himmler thereupon ordered 400 young Jews sent to Mauthausen. I was not in the Netherlands at that time That was the occasion for the general strike in Amsterdam in March 1941.

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After my return to the Netherlands, I protested against this measure, and to my knowledge such a mass transfer to Mauthausen did not occur again.

Synagogues were burned. Apparently someone was thinking of the 8th of November 1938. I immediately took steps so the cases did not increase. Police wanted to tear down the old temple in Amsterdam. General Secretary van Damm called this to my attention, and I prevented it.

I indicated earlier that the motive of the measures is to be found in the consideration to treat Jews like enemy aliens. In the execution, this basis was certainly abandoned. It was nothing but the execution of measures against the Jews, such as had occurred in the Reich. Perhaps, in one case or another, even more was done, for I know that for example in the Netherlands there was a drive to force the Jews to be sterilized.

Our goal was to keep the Jews in the Netherlands, in two districts of Amsterdam and then in the Westerborg camp and in the Vught camp. We had also prepared to create the corresponding work opportunities. I instructed the General Secretary for Education to make available from the Dutch budget means which the Jewish population should have according to the proportion.

It is certain that in this measure of concentration of the Jews to two districts and two camps, various difficulties occurred, various hardships which were perhaps unavoidable. Perhaps they might be considered excesses.

Finally, the Security Police demanded the introduction of the so-called Jewish Star. A not inconsiderable number of Jews were not in the confined areas, and the Security Police demanded that they be distinguished in order that they could be controlled, and in order that it might be ascertained whether the Jews adhered to the other restrictions.

In the eyes of Germans, this star was certainly a stigma. The Dutch did not consider it as such. There was many a Dutchman who, out of protest, wore such a star himself.

In 1942, Heydrich again made demands that the Jews be evacuated. He explained this by saying that Holland would sooner or later be a theater of war, and that then one could not allow such a hostile population to remain in the theater of war. He pointed out that he was responsible for the security of the Reich in the

police sense, and that he could not bear this responsibility if the Jews remained in Holland.

I believe it was three or four months that we in the Netherlands opposed this evacuation and attempted to find other ways out. At the end, Heydrich had a further order sent to me, according to which he had unlimited powers to carry out all measures in the occupied territories as well. I inquired of Bormann what this meant, and this order was confirmed, whereupon the evacuation of the Jews was begun.

At that time I tried to ascertain the fate of the Jews, and it is rather difficult for me to speak about it now, because it sounds ridiculous.

Take 23-GES

Ahuna

I was told that the Jews were sent to Auschwitz. I had people sent from the Netherlands to Auschwitz. They came back with the report that that was a camp for 80,000 people. The people were comparatively well off there. For example, they had an orchestra of 100 men. A witness here confirmed that this orchestra played when the citims arrived at Auschwitz, and when the witness said this, I remembered that report.

THE PRESIDENTL How long do you think you are likely to be?

DR. STEINBAUER: I hope to be finished at least by noon tomorrow, but perhaps it will take only an hour. I have questions on plundering of economic measures, and destruction. Then I will be finished.

THE PRESIDENT: We will adjourn now.

(The Tribunal adjourned until 11 June 1946, at 1000 hours)